

**Statement for Project File**

The attached documents are **not part of the official record for Project APP261**. They have been included in the **project file for reference purposes only** and should not be considered as formal submissions or evidence within the project's official record.

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Thursday, July 9, 2026 8:26 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Deny the Bucee's request for Convenience Store Status please



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** K Bishop <bishopia@msn.com>  
**Sent:** Wednesday, July 8, 2026 1:17 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>  
**Subject:** Deny the Bucee's request for Convenience Store Status please

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- This is their first email to your company.

Mark Safe Report

El Paso County Digital, Strategy  
& Technology (DST)

To: [HollyWilliams@elpasoco.com](mailto:HollyWilliams@elpasoco.com), [CarrieGeitner@elpasoco.com](mailto:CarrieGeitner@elpasoco.com), [BillWysong@elpasoco.com](mailto:BillWysong@elpasoco.com),  
[CoryApplegate@elpasoco.com](mailto:CoryApplegate@elpasoco.com), [LaurenNelson@elpasoco.com](mailto:LaurenNelson@elpasoco.com)

Cc: [megganherington@elpasoco.com](mailto:megganherington@elpasoco.com), [KennyHodges@elpasoco.com](mailto:KennyHodges@elpasoco.com), [kyliebagley@elpasoco.com](mailto:kyliebagley@elpasoco.com),  
[mlakind@tomgov.org](mailto:mlakind@tomgov.org), [sking@tomgov.org](mailto:sking@tomgov.org), [sabbott@tomgov.org](mailto:sabbott@tomgov.org), [csmith@tomgov.org](mailto:csmith@tomgov.org), [lkronick@tomgov.org](mailto:lkronick@tomgov.org),  
[kkimple@tomgov.org](mailto:kkimple@tomgov.org), [mfiorito@tomgov.org](mailto:mfiorito@tomgov.org), [governorpoli@state.co.us](mailto:governorpoli@state.co.us),  
[natasha\\_hutson@bennet.senate.gov](mailto:natasha_hutson@bennet.senate.gov), [jess\\_cohen@hickenlooper.senate.gov](mailto:jess_cohen@hickenlooper.senate.gov), [jarvis.caldwell.house@coleg.gov](mailto:jarvis.caldwell.house@coleg.gov),  
[matthew.smith1@mail.house.gov](mailto:matthew.smith1@mail.house.gov), [integritymatterscos@gmail.com](mailto:integritymatterscos@gmail.com), [contact@trilakespreservation.org](mailto:contact@trilakespreservation.org)

**Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)**

Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

1. **A gas station is not a permitted use in C-1.** Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store definition's "may include retail sale of gasoline" covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires, **this use is prohibited in C-1.**

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.
- Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
- Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.

2. **The use does not meet the Code's "Convenience Store" definition.** That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it "**a destination, comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3. **The appeal's "similar use" fallback cannot rescue it either.** Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1 would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation comparisons do not change this: similar traffic does not override an express exclusion.

4. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.** Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each with full notice and hearing.

5. **The application is also unreliable on its face.** Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators; and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
2. Recognize that a 120-position fuel facility is a gas station, which the Code excludes from C-1;

3. Decide the appeal in public, on a full evidentiary record, with the community heard; and
4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Furthermore, it does NOT serve our neighborhood and certainly does a disservice to our already established businesses. Allowing Buc-ee's at this location only serves Mr. Aplin's Texas-sized ego and bank account. Please deny the appeal.

Respectfully

Susan Murphy  
96 Vale Street  
Palmer Lake, CO 80133

## Jessica Merriam

---

**From:** Meggan Herington  
**Sent:** Wednesday, July 8, 2026 8:34 AM  
**To:** Jessica Merriam  
**Subject:** FW: Buc'ees

Meggan Herington, AICP  
Executive Director  
El Paso County Planning and Community Development  
719-520-7941  
<https://planningdevelopment.elpasoco.com>

-----Original Message-----

From: Kimberly <kimbo.leonard@gmail.com>  
Sent: Tuesday, July 7, 2026 9:05 PM  
To: Meggan Herington <MegganHerington@elpasoco.com>  
Subject: Buc'ees

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I will keep it short.

I am pro Buc'ees. They are a class act, impeccably clean, pay well, support their local communities, are generous and charitable.

Monument Hill is very dangerous in the winter and Buc'ees will give both travelers and first responders refuge. It's a perfect location for Buc'ees and Monument Hill needs this kind of establishment. Ask them to put in dark sky lighting would be my only suggestion. I do not believe the argument against Buc'ees that traffic, water and wildlife will be negatively impacted. This is grasping at straws.

The nay-sayers are not being logical and are on a no development or change of any kind war path. Everyone who has been to Buc'ees loves Buc'ees and eventually, once the haters see how they operate, and how Buc'ees supports the local community, they will quiet down.

Please find a path to bring Buc'ees to the Palmer Divide and Monument Hill. We need them - and btw, they are not just another gas station or truck stop - Buc'ees treats their patrons like family.

K Leonard

Sent from my iPhone

## Jessica Merriam

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**From:** Kylie Bagley  
**Sent:** Monday, July 13, 2026 9:14 AM  
**To:** Jessica Merriam  
**Subject:** Fw:



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Karen Huston <kshuston7@gmail.com>  
**Sent:** Sunday, July 12, 2026 5:22 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koaa.com <Tony.Keith@koaa.com>; Noah.Caplan@koaa.com <Noah.Caplan@koaa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTv News <news@kktv.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:**

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Sent from my iPhone

Begin message. **Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)**

Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

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- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.
- Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
- Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly

does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.

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*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3. **The appeal's "similar use" fallback cannot rescue it either.** Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1 would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation comparisons do not change this: similar traffic does not override an express exclusion.
4. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.** Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each with full notice and hearing.



5. **The application is also unreliable on its face.** Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators; and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
2. Recognize that a 120-position fuel facility **is** a gas station, which the Code excludes from C-1;
3. Decide the appeal in public, on a full evidentiary record, with the community heard; and
4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully  
Karen Huston

"A smooth sea never made a skilled sailor."

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 8:29 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Public Comment Records for ADM-264



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Karen McVay <karenmcvay65@gmail.com>  
**Sent:** Tuesday, July 7, 2026 10:40 PM  
**To:** TPI Secretary <secretary@trilakespreservation.org>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; Shawn Sawyer <president@trilakespreservation.org>; Mary Scott <treasurer@trilakespreservation.org>; Matt Beverly <vicepresident@trilakespreservation.org>; Angela Fike <communityoutreach@trilakespreservation.org>  
**Subject:** Re: Public Comment Records for ADM-264

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### This message needs your attention

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- This is their first email to your company.

[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Excellent letter, Grace!

Did Lubi send you my follow up letter asking about the "store" definition in the C-1 zoning regs?

Thank you, thank you!  
Karen

On Tue, Jul 7, 2026, 9:08 PM TPI Secretary <[secretary@trilakespreservation.org](mailto:secretary@trilakespreservation.org)> wrote:

Dear Director Herington,

In response to Buc-ee's request for an administrative determination, Tri-Lakes Preservation (TPI) and Integrity Matters were copied on nearly 200 emails submitted by members of the public expressing their views on the application. However, the unofficial record available through EDARP for ADM-264 appears to contain less than half of these the number of public comments that we have been copied on. Notably, even the formal comment letter submitted by the Tri-Lakes Preservation Board does not appear to be included in the publicly available record.

Multiple community members have contacted us directly to report that they submitted comments to the County and received acknowledgement responses from Ms. Linhares and/or Commissioner Williams, yet their submissions do not appear among the documents currently available through EDARP under ADM-264.

Additionally, there appear to be communications within the ADM-264 EDARP record that relate to the separate Boundary Line Adjustment application (EXBL261) rather than the administrative use determination itself. This raises further questions regarding how documents are being categorized and maintained within the public record.

These circumstances raise important questions regarding the completeness and accuracy of the record:

- Why is there a discrepancy between the number of comments submitted and the number appearing in the EDARP file?
- Are there categories of communications that are intentionally excluded from the publicly available record?
- If comments were received by County staff or elected officials but are not visible in EDARP, where are those communications being maintained?
- Why do documents related to other applications, such as the Boundary Line Adjustment, appear to be included within the ADM-264 file while comments specifically addressing ADM-264 appear to be absent?
- What process exists to ensure that all public comments received regarding this application become part of the official record?

These questions are particularly important now that Buc-ee's has appealed the administrative determination to the Board of County Commissioners and members of the public continue to submit comments, which should officially become a part of the record, in anticipation of future proceedings. Public confidence in the process depends on confidence in the record. Community members deserve assurance that comments submitted to County staff, Planning and Community Development, and members of the Board are being properly preserved, accounted for, and made available as part of the administrative record regardless of whether those comments support or oppose the application. Accordingly, I respectfully request clarification regarding the County's procedures for collecting, maintaining, and publishing public comments associated with ADM-264 and the pending appeal, including how the public can verify that their submissions have been received and included in the record.

Thank you for your time and attention to this matter.

Very Respectfully,

Grace Foy



Tri-Lakes Preservation, Inc. (TPI)

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Monday, July 13, 2026 9:14 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Re; Buc-ee's appeal of administrative determination ADM264- PLEASE DENY



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Rachael Bauer <ornursermb@gmail.com>  
**Sent:** Sunday, July 12, 2026 11:50 AM  
**To:** Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koaa.com <Tony.Keith@koaa.com>; Noah.Caplan@koaa.com <Noah.Caplan@koaa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>  
**Subject:** Re; Buc-ee's appeal of administrative determination ADM264- PLEASE DENY

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## This message needs your attention

- This is a personal email address.
- This is their first mail to some recipients.

[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

### **Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)**

Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

1. **A gas station is not a permitted use in C-1.** Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store definition's "may include retail sale of gasoline" covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires, **this use is prohibited in C-1.**

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.
  - Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
  - Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.
2. **The use does not meet the Code's "Convenience Store" definition.** That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening

manager called it **"a destination," comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3. **The appeal's "similar use" fallback cannot rescue it either.** Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1 would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation comparisons do not change this: similar traffic does not override an express exclusion.
4. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.** Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each with full notice and hearing.
5. **The application is also unreliable on its face.** Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators; and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
2. Recognize that a 120-position fuel facility **is** a gas station, which the Code excludes from C-1;
3. Decide the appeal in public, on a full evidentiary record, with the community heard; and
4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully,  
Rachael Bauer



## Jessica Merriam

---

**From:** Meggan Herington  
**Sent:** Friday, July 10, 2026 11:44 AM  
**To:** Jessica Merriam  
**Subject:** FW: Monument Hill ELPC side

Can you please add this to the appeal record comments.



**Meggan Herington, AICP**  
Executive Director  
El Paso County Planning and Community Development  
719-520-7941  
<https://planningdevelopment.elpasoco.com>

---

**From:** Kellie Currie <amothersreflection@hotmail.com>  
**Sent:** Thursday, July 9, 2026 2:53 PM  
**To:** Meggan Herington <MegganHerington@elpasoco.com>  
**Subject:** Re: Monument Hill ELPC side

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> On Dec 16, 2025, at 3:08 PM, Meggan Herington <[MegganHerington@elpasoco.com](mailto:MegganHerington@elpasoco.com)> wrote:

>

> Kellie, thank you for the email. Right now, no application has been submitted. Most land applications go before the Board of County Commissioners. Staff will be sure to post everything online so that the public has access to everything. You can check in periodically to determine any future land use applications in your area.

>

> Thank you again, Meggan

>

>

>

>

> Meggan Herington, AICP

> Executive Director

> El Paso County Planning and Community Development

> 719-520-7941

> <https://planningdevelopment.elpasoco.com>

>

>  
> -----Original Message-----  
> From: Kellie Chandler <[amothersreflection@hotmail.com](mailto:amothersreflection@hotmail.com)>  
> Sent: Tuesday, December 16, 2025 1:58 PM  
> To: Meggan Herington <[MegganHerington@elpasoco.com](mailto:MegganHerington@elpasoco.com)>  
> Cc: Kellie Chandler <[amothersreflection@hotmail.com](mailto:amothersreflection@hotmail.com)>; Grace <[woodmoor.writer@gmail.com](mailto:woodmoor.writer@gmail.com)>  
> Subject: Monument Hill ELPC side  
>  
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>  
> Please please help us citizens up north in El Paso County and County Line Road area.  
>  
> We have land there that was zoned in the 1950s and is being drastically developed today.  
>  
> It's one of those situations where the owners or heirs of this land didn't care or realize Monument Hill history.  
>  
> The east side was proposed as high density, dime sized "open space ". An entire day was spent in County Commission live streamed, and the citizens lost too much. The developer already hasn't kept his word.  
>  
> Too late now- no band aide and the land owners and developers know it.  
>  
> Also, on the west corner, (as all of the news has broadcasted nationwide), a very unwanted Texas company has proposed a flattening of the ridge, devastation of over 300 pine trees and water usage that is beyond comprehension.  
>  
> I am writing to you as a citizen that has been very frightened about fire safety and evacuation routes.  
>  
> The roads out of Palmer Lake will be bumper to bumper.  
>  
> Please please use this letter and your authority to stop anymore high density and corporate takeover of our Monument Hilltop.  
>  
> Please.  
>  
> Kellie Currie  
> Palmer Lake citizen  
>  
>  
>

## Jessica Merriam

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**From:** Kylie Bagley  
**Sent:** Monday, July 13, 2026 9:13 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

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**From:** Bob MacDonald <broncobobbymac@gmail.com>  
**Sent:** Saturday, July 11, 2026 7:03 PM  
**To:** Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>  
**Cc:** Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; Kenneth Kimple <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; eharris@palmer-lake.org <eharris@palmer-lake.org>; rmoseley@palmer-lake.org <rmoseley@palmer-lake.org>; jmarble@palmer-lake.org <jmarble@palmer-lake.org>; mbeeson@palmer-lake.org <mbeeson@palmer-lake.org>; ajurka@palmer-lake.org <ajurka@palmer-lake.org>; Governorpolis@state.co.us <Governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koaa.com <Tony.Keith@koaa.com>; Noah.Caplan@koaa.com <Noah.Caplan@koaa.com>; EXTERNAL KOAA News <News@KOAA.com>; asack@kxrm.com <asack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; news@krdo.com <news@krdo.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>; Meggan Herington <MegganHerington@elpasoco.com>  
**Subject:** Re: Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

I wonder if you have reviewed when Maverick wanted to put a gas station at the same corner and it was denied

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

- 1.
- 2.
3. **A gas station is not a permitted use in C-1.**
4. Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which
5. the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store
6. definition's "may include retail sale of gasoline" covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1
7. requires, **this use is prohibited in C-1.**
- 8.

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

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- 
- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation,
- [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.
- 
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- 
- Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing
- of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
- 
- 
- 
- Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not.
- What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.
- 

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3.

4. **The use does not meet the Code's "Convenience Store" definition.**

5. That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will

6. not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

7.

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it **"a destination," comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from

Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

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5. **The appeal's "similar use" fallback cannot rescue it either.**

6. Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an

7. allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1

8. would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation

9. comparisons do not change this: similar traffic does not override an express exclusion.

10.

4.

5.

6. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.**

7. Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed

8. to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves

9. the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined

10. to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes
11. C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each
12. with full notice and hearing.
- 13.

- 5.
- 6.
7. **The application is also unreliable on its face.**
8. Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators;
9. and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.
- 10.

I respectfully request that the Board:

- 1.
- 2.
3. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
- 4.
- 5.
- 6.
7. Recognize that a 120-position fuel facility
8. **is**
9. a gas station, which the Code excludes from C-1;
- 10.
- 11.
- 12.
13. Decide the appeal in public, on a full evidentiary record, with the community heard; and
- 14.
- 15.
- 16.
17. Require the applicant to use the proper public process — a rezoning to C-2 or a special-use / PUD review — with full notice and a
18. hearing.
- 19.

The public is entitled to be heard before a use that the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully  
Robert MacDonald  
1441 Dark Pine Ct  
Monument, CO 80132  
El Paso County

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## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 10:51 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Kendra Glaser <kendraglaser@yahoo.com>  
**Sent:** Wednesday, July 8, 2026 10:43 AM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>  
**Subject:** Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners:

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5. **The application is also unreliable on its face.** Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators; and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;

2. Recognize that a 120-position fuel facility **is** a gas station, which the Code excludes from C-1;
3. Decide the appeal in public, on a full evidentiary record, with the community heard; and
4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully  
Kendra Glaser  
358 Eisenhower Drive  
Palmer Lake, CO 80133  
Northern El Paso County

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 8:27 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

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**From:** Kimi Auty <kimiauty@gmail.com>  
**Sent:** Tuesday, July 7, 2026 9:06 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Kimberly Auty <kimiauty@gmail.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; eharris@palmer-lake.org <eharris@palmer-lake.org>; rmoseley@palmer-lake.org <rmoseley@palmer-lake.org>; jmarble@palmer-lake.org <jmarble@palmer-lake.org>; mbeeson@palmer-lake.org <mbeeson@palmer-lake.org>; ajurka@palmer-lake.org <ajurka@palmer-lake.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; news@krdo.com <news@krdo.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

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Respectfully,

Kimberly Auty  
444 Virginia Avenue  
Palmer Lake, CO, 80133  
El Paso County



## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 8:25 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

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**From:** Kirk Lipscomb <kirk@lipscombmail.com>

**Sent:** Tuesday, July 7, 2026 4:53 PM

**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>

**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; eharris@palmer-lake.org <eharris@palmer-lake.org>; rmoseley@palmer-lake.org <rmoseley@palmer-lake.org>; jmarble@palmer-lake.org <jmarble@palmer-lake.org>; mbeeson@palmer-lake.org <mbeeson@palmer-lake.org>; ajurka@palmer-lake.org <ajurka@palmer-lake.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; news@krdo.com <news@krdo.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>

**Subject:** Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear  
Commissioners:

On

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- 8. this**
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- 10.

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#### 5. **does not meet the Code's "Convenience Store" definition.**

6. That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will

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**destination," comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The*

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According

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**roughly**

**six million customers a year,**

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9. would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation

10. comparisons do not change this: similar traffic does not override an express exclusion.

11.

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**6. This decision**

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- 14.

- 5.
- 6.

**7. The application**

**8. is also unreliable on its face.**

9. Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators;
10. and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.
- 11.

I

respectfully request that the Board:

- 1.
- 2.
3. Deny Buc-ee's
4. appeal and uphold the Director's July 1 determination;
- 5.
- 6.
- 7.
8. Recognize
9. that a 120-position fuel facility **is**
10. a gas station, which the Code excludes from C-1;
- 11.
- 12.
- 13.
14. Decide the
15. appeal in public, on a full evidentiary record, with the community heard; and
- 16.
- 17.
- 18.

19.Require

20. the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

21.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully,  
Robert and Gail Lipscomb  
49  
S Sherwood Glen  
Monument,  
Co 80132

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 8:26 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Landon Reiley <landonreiley@yahoo.com>  
**Sent:** Tuesday, July 7, 2026 5:03 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; eharris@palmer-lake.org <eharris@palmer-lake.org>; rmoseley@palmer-lake.org <rmoseley@palmer-lake.org>; jmarble@palmer-lake.org <jmarble@palmer-lake.org>; mbeeson@palmer-lake.org <mbeeson@palmer-lake.org>; ajurka@palmer-lake.org <ajurka@palmer-lake.org>; governornopolis@state.co.us <governornopolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; news@krdo.com <news@krdo.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

1. **A gas station is not a permitted use in C-1.** Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store definition's "may include retail sale of gasoline" covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires, **this use is prohibited in C-1.**

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.
- Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
- Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.



2. **The use does not meet the Code's "Convenience Store" definition.** That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it **"a destination," comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3. **The appeal's "similar use" fallback cannot rescue it either.** Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1 would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation comparisons do not change this: similar traffic does not override an express exclusion.

4. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.** Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each with full notice and hearing.

5. **The application is also unreliable on its face.** Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators; and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
2. Recognize that a 120-position fuel facility **is** a gas station, which the Code excludes from C-1;
3. Decide the appeal in public, on a full evidentiary record, with the community heard; and

4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully,  
Landon Reiley  
1680 Plowman Dr.  
Monument, CO 80132

High Pines Subdivision  
El Paso County

## Jessica Merriam

---

**From:** Meggan Herington  
**Sent:** Monday, July 13, 2026 9:33 AM  
**To:** Jessica Merriam  
**Subject:** FW: File #APP261- Does NOT fit under C-1



**Meggan Herington, AICP**  
Executive Director  
El Paso County Planning and Community Development  
719-520-7941  
<https://planningdevelopment.elpasoco.com>

---

**From:** Laura Liposky <lauraliposky@yahoo.com>  
**Sent:** Sunday, July 12, 2026 9:40 PM  
**To:** Meggan Herington <MegganHerington@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>  
**Subject:** File #APP261- Does NOT fit under C-1

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Report

El Paso County Digital, Strategy & Technology (DST)

County Commissioners,

I am counting on your **denial** of labeling Buc-ee's a convenience store.

Buc-ee's is HUGE.

Buc-ee's traffic is anything but a neighborhood “stop” for necessities.

The fact it is right across from a high school seems like teenage drivers and a lot of RVs, trucks and cars would cause more accidents due to volume of vehicles getting on/off ramps, upsetting the safety of neighboring homes/people/animals.

Convenience stores do not project 11-20,000 cars daily. Even “Hyper-convenience” stores, the largest type of convenience store defined by the NACS, the leading global trade association dedicated to advancing convenience and fuel retailing, are at the most, 5000 sq feet.

Please do not allow this mega travel center to “fit” under C-1.

Our youth will want to hurry and get lunch or snacks, cross through quiet neighborhoods, over 1-25.

Normal convenience stores would NOT attract our youth during school hours.

Please don't allow the C-1 to accommodate Bucees.

Signed,

Laura McGraw

Concerned parent and Tri-Lakes resident

[Sent from Yahoo Mail for iPhone](#)

## Jessica Merriam

---

**From:** drljubica@aol.com  
**Sent:** Sunday, July 12, 2026 5:47 PM  
**To:** Holly Williams; Carrie Geitner; Bill Wysong; Cory Applegate; Lauren Nelson  
**Cc:** Meggan Herington; Kenny Hodges; Kylie Bagley; governopolis@state.co.us; natasha\_hutson@bennet.senate.gov; jess\_cohen@hickenlooper.senate.gov; jarvis.caldwell.house@coleg.gov; matthew.smith1@mail.house.gov; integritymatterscos@gmail.com; contact@trilakespreservation.org; savannah.eller@gazette.com; Tony.Keith@koa.com; Noah.Caplan@koa.com; EXTERNAL KOAA News; ASack@kxrm.com; EXTERNAL Fox News; EXTERNAL KKTV News; achalfin@krcc.org; EXTERNAL KRCC News; newstips@denver7.com; newstips@9news.com; tips@kdvr.com; jalvarado@denverpost.com; EXTERNAL Newsroom Denver; oliviaprentzel@coloradosun.com; newsroom@coloradosun.com; Karin.Brulliard@washpost.com; jim.carlton@wsj.com; news-tips@nytimes.com; tips@cnn.com; tips@nbcuni.com; news.tips@abc.com; LBergman@newsnationnow.com; tips@thefp.com; talkshow@aol.com; CARCTB; PCD Hearings; PLNWEB  
**Subject:** Upholding the July 1 Buc-ee's Decision — Reject the ADM264 Appeal and Protect Our C-1 Zoning (I-25 & County Line Road)

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Report

El Paso County Digital, Strategy & Technology (DST)

Upholding the July 1 Buc-ee's Decision — Reject the ADM264 Appeal and Protect Our C-1 Zoning (I-25 & County Line Road)

**ATTENTION EL PASO COUNTY CLERK TO THE BOARD & PLANNING DEPARTMENT:** Please enter this correspondence and formal objection directly into the **Official Public Record for the Appeal of Application/File Number: ADM264.**

Dear Commissioners:

As a resident of El Paso County, I am writing to urge you to uphold the Planning Director's July 1 decision and deny Buc-ee's appeal regarding application ADM264. Director Herington made the correct, legally sound call. A 30-plus-acre interstate travel plaza simply cannot be classified as a "neighborhood convenience store" under our Land Development Code (LDC), and the rules must be enforced as written.

When you look past the applicant's paperwork, the text of the LDC makes it clear that this project is explicitly prohibited in the C-1 zone. Table 5-1 allows a "Gas Station" in multiple commercial districts (like CC, CR, CS, C-2, and M), but deliberately excludes it from C-1. Under our code's interpretation clauses (§ 1.6.6 and § 5.3.6(C)(2)), leaving a use out of a district means it is legally barred. A facility with 60 dispensers and 120 fueling positions is fundamentally a gas station, not a convenience store. While the LDC notes that a convenience store definition (§ 1.15) "may include retail sale of gasoline," this is intended for minor, incidental neighborhood fueling. It cannot be stretched to accommodate a massive regional fueling depot, especially when evaluated literally under § 1.6.1.

Buc-ee's attempts to bypass this restriction by twisting code definitions on page 5 of their request, but their logic fails under scrutiny. They claim they are not a gas station because they lack vehicle repairs or car washes, yet § 1.15 explicitly states those services are purely optional, incidental add-ons. They also invent a "primary orientation" standard that exists nowhere in the code. Under a plain reading of § 1.15, selling fuel to motor vehicles is what defines a gas station, and 120 fueling positions meet that definition entirely.

Furthermore, this massive development completely violates the "neighborhood" standard required by § 1.15, which dictates that a convenience store must serve "the neighborhood in which it is located" (defined as primarily residential areas). Buc-ee's is a massive regional tourist hub, not a neighborhood shop. The company's own actions prove this: at their identical Goodyear, Arizona opening on June 22, 2026—featuring a 74,000-square-foot store, 120 fueling positions, and an estimated 165 toilets—their own manager compared the destination to Disney World. The *Arizona Republic* and *Arizona Daily Star* documented sold-out hotels and patrons driving from states as far as Oregon and Minnesota. Data from their Springfield, Missouri location shows an estimated 6 million annual visitors, with 88% traveling over 20 miles. Redefining a major interstate corridor as a "residential neighborhood" completely contradicts the text of the Code.

The applicant's alternative argument—the "similar use" fallback under § 5.3.6.C.1—is equally invalid. Section 5.3.6(E) strictly prohibits any administrative interpretation that waives code standards or allows uses inconsistent with a district's purpose. The purpose of C-1 is low-intensity commercial activity. Forcing a regional mega-center into this zone abrogates the express exclusion of gas stations, directly violating § 5.3.6(E). The "similar use" clause is meant for unlisted uses; because "Gas Station" is already explicitly listed and excluded from C-1, this mechanism cannot be used. Traffic comparisons do not override the plain text of the code.

Beyond the zoning violations, the applicant's paperwork is riddled with basic errors that prove it cannot be trusted at face value. For instance, on page 8, their supposed 'complete list' of allowed C-1 businesses completely forgets to include 'Convenience Store'—the very classification they are begging you to give them. On pages 2 and 6, they manipulate the math by changing the total land acreage numbers just to make their massive fueling footprint look smaller on paper. They even misstate the county's landscaping rules, claiming they only need 5% green space when the Code actually mandates a much higher requirement. You cannot reverse a director's decision based on a record this deeply flawed.

Determining a use classification of this magnitude is a discretionary, quasi-judicial judgment under § 5.3.6(B) that requires a full public record, not an administrative shortcut. The County itself affirmed in February 2026 that a public hearing is required for such classifications. The complex questions regarding traffic along the I-25 corridor, water impacts, and community compatibility cannot be resolved behind closed doors on flawed paper submissions. Procedural due process demands an open, noticed public evidentiary hearing where the community can be heard. Because our code explicitly separates C-1 commercial activities (§ 4.4.1) from C-2 large commercial activities (§ 4.4.4), the lawful path for a project of this scale is a formal rezoning to C-2 or a special-use/PUD review.

**For these reasons, I respectfully request that the Board:**

- 1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;**
- 2. Recognize that a 120-position fueling facility constitutes a gas station, which the LDC excludes from the C-1 zone;**
- 3. Conduct any further review of this appeal in public, on a full evidentiary record, ensuring the community is heard; and**
- 4. Require the applicant to utilize the appropriate public channel—a rezoning to C-2 or a comprehensive PUD review—with full public notice and a hearing.**

As a constituent, I am asking you to stand by the County's own rules, protect the integrity of the Land Development Code, and deny this appeal. Our community has a right to transparency; please keep this process open, clear, and on the public record.

Respectfully,

Ljubica Horvat  
North Woodmoor, El Paso County  
***(Affected Neighbor to Application ADM264)***

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Monday, July 13, 2026 9:15 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Upholding the July 1 Buc-ee's Decision — Reject the ADM264 Appeal and Protect Our C-1 Zoning (I-25 & County Line Road)



### Kylie Bagley

Principal Planner

Planning and Community Development

719.520.6323

[www.elpasoco.com](http://www.elpasoco.com)

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**From:** drljubica@aol.com <drljubica@aol.com>

**Sent:** Sunday, July 12, 2026 5:46 PM

**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>

**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTV News <news@kktv.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>; CARCTB <carctb@elpasoco.com>; PCD Hearings <pcdhearings@elpasoco.com>; PLNWEB <PLNWEB@elpasoco.com>

**Subject:** Upholding the July 1 Buc-ee's Decision — Reject the ADM264 Appeal and Protect Our C-1 Zoning (I-25 & County Line Road)

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Upholding the July 1 Buc-ee's Decision — Reject the ADM264 Appeal and Protect Our C-1 Zoning (I-25 & County Line Road)

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When you look past the applicant's paperwork, the text of the LDC makes it clear that this project is explicitly prohibited in the C-1 zone. Table 5-1 allows a "Gas Station" in multiple commercial districts (like CC, CR, CS, C-2, and M), but deliberately excludes it from C-1. Under our code's interpretation clauses (§ 1.6.6 and § 5.3.6(C)(2)), leaving a use out of a district means it is legally barred. A facility with 60 dispensers and 120 fueling positions is fundamentally a gas station, not a convenience store. While the LDC notes that a convenience store definition (§ 1.15) "may include retail sale of gasoline," this is intended for minor, incidental neighborhood fueling. It cannot be stretched to accommodate a massive regional fueling depot, especially when evaluated literally under § 1.6.1.

Buc-ee's attempts to bypass this restriction by twisting code definitions on page 5 of their request, but their logic fails under scrutiny. They claim they are not a gas station because they lack vehicle repairs or car washes, yet § 1.15 explicitly states those services are purely optional, incidental add-ons. They also invent a "primary orientation" standard that exists nowhere in the code. Under a plain reading of § 1.15, selling fuel to motor vehicles is what defines a gas station, and 120 fueling positions meet that definition entirely.

Furthermore, this massive development completely violates the "neighborhood" standard required by § 1.15, which dictates that a convenience store must serve "the neighborhood in which it is located" (defined as primarily residential areas). Buc-ee's is a massive regional tourist hub, not a neighborhood shop. The company's own actions prove this: at their identical Goodyear, Arizona opening on June 22, 2026—featuring a 74,000-square-foot store, 120 fueling positions, and an estimated 165 toilets—their own manager compared the destination to Disney World. The *Arizona Republic* and *Arizona Daily Star* documented sold-out hotels and patrons driving from states as far as Oregon and Minnesota. Data from their Springfield, Missouri location shows an estimated 6 million annual visitors, with 88% traveling over 20 miles. Redefining a major interstate corridor as a "residential neighborhood" completely contradicts the text of the Code.

The applicant's alternative argument—the "similar use" fallback under § 5.3.6.C.1—is equally invalid. Section 5.3.6(E) strictly prohibits any administrative interpretation that waives code standards or allows uses inconsistent with a district's purpose. The purpose of C-1 is low-intensity commercial activity. Forcing a regional mega-center into this zone abrogates the express exclusion of gas stations, directly violating § 5.3.6(E). The "similar use" clause is meant for unlisted uses; because "Gas Station" is already explicitly listed and excluded from C-1, this mechanism cannot be used. Traffic comparisons do not override the plain text of the code.

Beyond the zoning violations, the applicant's paperwork is riddled with basic errors that prove it cannot be trusted at face value. For instance, on page 8, their supposed 'complete list' of allowed C-1 businesses completely forgets to include 'Convenience Store'—the very classification they are begging you to give them. On pages 2 and 6, they manipulate the math by changing the total land acreage numbers just to make their massive fueling footprint look smaller on paper. They even misstate the county's landscaping rules, claiming they only need 5% green space when the Code actually mandates a much higher requirement. You cannot reverse a director's decision based on a record this deeply flawed.

Determining a use classification of this magnitude is a discretionary, quasi-judicial judgment under § 5.3.6(B) that requires a full public record, not an administrative shortcut. The County itself affirmed in February 2026 that a public hearing is required for such classifications. The complex questions regarding traffic along the I-25 corridor, water impacts, and community compatibility cannot be resolved behind closed doors on flawed paper submissions. Procedural due process demands an open, noticed public evidentiary hearing where the community can be heard. Because our code explicitly separates C-1 commercial activities (§ 4.4.1) from C-2 large commercial activities (§ 4.4.4), the lawful path for a project of this scale is a formal rezoning to C-2 or a special-use/PUD review.

**For these reasons, I respectfully request that the Board:**

- 1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;**
- 2. Recognize that a 120-position fueling facility constitutes a gas station, which the LDC excludes from the C-1 zone;**
- 3. Conduct any further review of this appeal in public, on a full evidentiary record, ensuring the community is heard; and**
- 4. Require the applicant to utilize the appropriate public channel—a rezoning to C-2 or a comprehensive PUD review—with full public notice and a hearing.**

As a constituent, I am asking you to stand by the County's own rules, protect the integrity of the Land Development Code, and deny this appeal. Our community has a right to transparency; please keep this process open, clear, and on the public record.

Respectfully,

Ljubica Horvat

North Woodmoor, El Paso County

**(Affected Neighbor to Application ADM264)**

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 10:25 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Lori Connor <lori@loriconnor.com>  
**Sent:** Wednesday, July 8, 2026 10:17 AM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>  
**Subject:** Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

1. **A gas station is not a permitted use in C-1.** Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store definition's "may include retail sale of gasoline" covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires, **this use is prohibited in C-1.**

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.
- Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
- Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under §

1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.

2. **The use does not meet the Code's "Convenience Store" definition.** That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it **"a destination, comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3. **The appeal's "similar use" fallback cannot rescue it either.** Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1 would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use"

mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation comparisons do not change this: similar traffic does not override an express exclusion.

4. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.** Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each with full notice and hearing.

5. **The application is also unreliable on its face.** Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators; and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
2. Recognize that a 120-position fuel facility is a gas station, which the Code excludes from C-1;

3. Decide the appeal in public, on a full evidentiary record, with the community heard; and
4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. PLEASE DENY THE APPEAL.

Respectfully,  
Kevin and Lori Connor  
3305 Mesa Top Dr  
Monument, CO 80132

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 8:25 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination AM264



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

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**From:** Lori Van Der Wege <lorivdw@gmail.com>  
**Sent:** Tuesday, July 7, 2026 4:45 PM  
**To:** Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; eharris@palmer-lake.org <eharris@palmer-lake.org>; rmoseley@palmer-lake.org <rmoseley@palmer-lake.org>; jmarble@palmer-lake.org <jmarble@palmer-lake.org>; mbeeson@palmer-lake.org <mbeeson@palmer-lake.org>; ajurka@palmer-lake.org <ajurka@palmer-lake.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; asack@kxrm.com <asack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; news@krdo.com <news@krdo.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; Holly Williams <HollyWilliams@elpasoco.com>  
**Cc:** Lauren Nelson <LaurenNelson@elpasoco.com>  
**Subject:** Buc-ee's Appeal of Administrative Determination AM264

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

I am writing to ask that you please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road) Dear Commissioners: On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination. This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises. A gas station is not a permitted use in C-1. Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses, the convenience-store definition's "may include retail sale of gasoline" covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires, this use is prohibited in C-1. The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request: First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services, it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant. Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15. Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories, " which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1. The use does not meet the Code's "Convenience Store" definition. That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located, " and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself: At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74, 000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it "a destination, " comparing it to Disney World (Arizona Daily Star, June 22, 2026). The Arizona Republic reported that hotels nearest that store sold out for opening weekend, and the Arizona Daily Star documented customers driving in from Oregon,

Minnesota, and other states, with Nevada and California plates filling the lot. According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates roughly six million customers a year, with 88% traveling more than 20 miles to reach the store (City of Springfield official website, Springfield Daily Citizen). A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says. The appeal's "similar use" fallback cannot rescue it either. Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1 would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed, a gas station is listed, and it is excluded from C-1. The appeal's trip-generation comparisons do not change this: similar traffic does not override an express exclusion. This decision belongs on a full public record — and the right path is a rezoning, not a reclassification. Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone, it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each with full notice and hearing. The application is also unreliable on its face. Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted, fuel-footprint percentages calculated on shifting denominators, and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal. I respectfully request that the Board: Deny Buc-ee's appeal and uphold the Director's July 1 determination, Recognize that a 120-position fuel facility is a gas station, which the Code excludes from C-1, Decide the appeal in public, on a full evidentiary record, with the community heard, and Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing. The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully, Lori VanDerWege 21080 Capella Dr. Monument, CO 80132, El Paso County. Colorado  
Estates [Lorivdw@gmail.com](mailto:Lorivdw@gmail.com) (719) 651-9292

Lori Van Der Wege, GRI

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## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 8:25 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

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**From:** mesalasko731 <mesalasko731@aol.com>

**Sent:** Tuesday, July 7, 2026 4:45 PM

**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>

**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; eharris@palmer-lake.org <eharris@palmer-lake.org>; rmoseley@palmer-lake.org <rmoseley@palmer-lake.org>; jmarble@palmer-lake.org <jmarble@palmer-lake.org>; mbeeson@palmer-lake.org <mbeeson@palmer-lake.org>; ajurka@palmer-lake.org <ajurka@palmer-lake.org>; governornopolis@state.co.us <governornopolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; news@krdo.com <news@krdo.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>

**Subject:** Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

- 1.
2. **A gas station is not a permitted use in C-1.**
3. Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which
4. the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store definition's "may include retail sale of gasoline"
5. covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires,
6. **this use is prohibited in C-1.**
- 7.

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

- 
- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.
- 
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- Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
- 
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- Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station,
- and gas stations are not allowed in C-1.
- 

2.  
3. **The use does not meet the Code's "Convenience Store" definition.**

4. That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will

5. not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

6.

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it **"a destination," comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It

cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3.

4. **The appeal's "similar use" fallback cannot rescue it either.**

5. Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an

6. allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1

7. would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation

8. comparisons do not change this: similar traffic does not override an express exclusion.

9.

4.

5. **This decision belongs on a full public record — and the right path**

6. **is a rezoning, not a reclassification.** Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary,

7. quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine

8. the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's

9. paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper

10. submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in

11. C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each with full notice and hearing.

12.

5.

6. **The application is also unreliable on its face.**

7. Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators;

8. and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.

9.

I respectfully request that the Board:

- 1.
2. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
- 3.
- 4.
5. Recognize that a 120-position fuel facility
6. **IS** a gas station, which the Code excludes from C-1;
- 7.
- 8.
9. Decide the appeal in public, on a full evidentiary record, with the community heard;
10. and
- 11.
- 12.
13. Require the applicant to use the proper public process — a rezoning to C-2, or special-use
14. / PUD review — with full notice and hearing.
- 15.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully,

Maria Salasko

19225 Lochmere Court, Monument CO 80132/Kings Deer/El Paso County



## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Monday, July 13, 2026 9:09 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Is on a Rampage and No Mascot Is Safe - The Wall Street Journal.



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Mark Sandoval <marksdev@yahoo.com>  
**Sent:** Friday, July 10, 2026 4:39 PM  
**To:** Kylie Bagley <KylieBagley@elpasoco.com>  
**Subject:** Buc-ee's Is on a Rampage and No Mascot Is Safe - The Wall Street Journal.

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

I thought you would be interested in the following story from The Wall Street Journal.

### [Buc-ee's Is on a Rampage and No Mascot Is Safe](#)

Download the Wall Street Journal app here: [WSJ](#).

Mark Sandoval  
Mark Development Inc  
PO Box 533  
Monument, CO 80132

909-641-1501

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Thursday, July 9, 2026 3:14 PM  
**To:** Jessica Merriam  
**Subject:** Fw: Bucees- a different viewpoint



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Marlene van der Geest <marlenevandergeest@hotmail.com>  
**Sent:** Thursday, July 9, 2026 2:25 PM  
**To:** Kylie Bagley <KylieBagley@elpasoco.com>  
**Subject:** Fw: Bucees- a different viewpoint

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**From:** Marlene van der Geest <marlenevandergeest@hotmail.com>  
**Sent:** Thursday, 09 July 2026 14:24:24  
**To:** plnweb@elpasoco.com <plnweb@elpasoco.com>  
**Subject:** Bucees- a different viewpoint

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**From:** Marlene van der Geest <marlenevandergeest@hotmail.com>  
**Sent:** Tuesday, June 23, 2026 9:57:11 AM  
**To:** carctb@elpasoco.com <carctb@elpasoco.com>  
**Subject:** To all EP Cty Commissioners

Please forward:

There's such a crazy uproar about Bucees coming. Ridiculous. We lived near the new Bucees near Johnstown. It brought jobs, tax revenue, fun & cheap gas. Please don't be cowed by the no growth voices. It will be a good neighbor.

I live in Northgate fyi. Thank you for your service.

Marlene VANDERGEEST

1474 Promontory Bluff Vw 80931

719-651-6862

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## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Friday, July 10, 2026 3:58 PM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Maureen McKasy-Donlin <maureenmdonlin@gmail.com>  
**Sent:** Friday, July 10, 2026 3:55 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTV News <news@kktv.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners:

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This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

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*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

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8. would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation
9. comparisons do not change this: similar traffic does not override an express exclusion.
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5.

6. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.**

7. Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed
8. to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves
9. the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined
10. to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes
11. C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each
12. with full notice and hearing.
- 13.

5.

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7. **The application is also unreliable on its face.**

8. Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators;
9. and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.
- 10.

I respectfully request that the Board:



- 1.
- 2.
3. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
- 4.
- 5.
- 6.
7. Recognize that a 120-position fuel facility
8. **is**
9. a gas station, which the Code excludes from C-1;
- 10.
- 11.
- 12.
13. Decide the appeal in public, on a full evidentiary record, with the community heard; and
- 14.
- 15.
- 16.
17. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.
- 18.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully

Maureen McKasy-Donlin  
1470 Dark Pine Court  
Monument, CO 80132  
-located in North Woodmoor in EL PASO COUNTY  
-one mile from the proposed Buc-ees!

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Thursday, July 9, 2026 8:42 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ees Application



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** MELISSA RIESLING <capegrapes@msn.com>  
**Sent:** Wednesday, July 8, 2026 3:55 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>  
**Subject:** Buc-ees Application

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Dear Commissioners,

Rather than simply copying and pasting a pre-written letter, I wanted to share my own thoughts and respectfully urge you to affirm your Planning Director's finding that the proposed site at Beacon Lite Road and County Line Road is **not** suitable for the proposed Buc-ee's development.

Buc-ee's is clearly **not** a neighborhood convenience store. It is a regional travel center designed to attract millions of visitors each year—not to serve the surrounding community.

I ask you to carefully consider the following concerns:

- Traffic congestion would increase dramatically, particularly on Monument Hill, where winter weather already creates hazardous driving conditions.
- The impact on the Greenland Open Space, which has been thoughtfully preserved and protected for decades, would be significant and irreversible.
- The recently completed wildlife crossing just two miles north would be undermined by the increased traffic and development.
- Light pollution would substantially affect nearby neighborhoods and the area's rural character.
- Water demand from a facility of this size could place additional stress on local private wells and other water resources.

The bottom line is that Buc-ee's is a massive travel center expected to attract an estimated five to six million visits annually. Its size, scale, and purpose are fundamentally incompatible with the top of Monument Hill and its proximity to the Greenland Open Space.

As County Commissioners, your responsibility is to listen to your constituents, apply the law fairly, and make decisions that protect the long-term interests of this remarkable community. Approving this project would not only alter the character of the area but could also negatively affect nearby property values and the quality of life for those who call this place home.

It is not your role to bend or reinterpret the zoning regulations to accommodate a project that does not meet the established criteria. Buc-ee's purchased this property with full knowledge of the existing zoning and development standards.

I respectfully ask you to uphold your Planning Director's recommendation and deny the application for the proposed Buc-ee's development.

Thank you for your time, your service, and your thoughtful consideration.

Melissa Riesling  
N. Woodmoor  
capegrapes@msn.com  
c 719-359-2525

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Thursday, July 9, 2026 8:43 AM  
**To:** Jessica Merriam  
**Subject:** Fw: REQUEST TO DENY BUC-EES APPEAL



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Michelle Beichley <mablegallic@gmail.com>  
**Sent:** Wednesday, July 8, 2026 8:46 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>  
**Subject:** REQUEST TO DENY BUC-EES APPEAL

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Dear Honorable Commissioners:

The Planning Director ruled on July 1, 2026, that the massive Buc-ee's travel center cannot be classified as a simple 'Convenience Store' in our C-1 zone. Buc-ee's is now appealing that ruling. I urge you to deny this appeal and sustain the Director's sound decision.

This is simply related to the County's own Code, which answers the question the appeal raises.

As an initial point, along with LDC § 1.6.1 which mandates that the code be read literally, Courts too have held that when interpreting statutes or ordinances courts must ascertain and give effect to the legislative intent. *See State v. Nieto*, 993 P.2d, 493, 500 (Colo. 2000); *Walker v. People*, 932 P.2d 303, 309 (Colo. 1997). Further, courts must refrain from ruling inconsistent with the legislative intent. *Nieto*, 993 P.2d at 500. Courts look at the plain language of the ordinance and give effect to the ordinary use of words. *Askew v. Industrial Claim Appeals Office*, 927 P.2d 1333, 1337 (Colo. 1996). If statutory language is clear and not ambiguous, the language should not be subjected to a strained or forced interpretation. *Boulder County Bd. Of Equalization v. M.D.C. Constr. Co.*, 830 P.2d 975, 980 (Colo. 1992). As detailed infra, Buc-ees is a travel center and a gas station, not a convenience store and a literal reading of the Code does not provide otherwise.

**I. Buc-ees Own Comparisons to Convenience Stores Prove The Travel Center Is Not A Convenience Store**

Exhibit A attached to Buc-ee's Appeal cites numerous convenience store "examples." Even by their own examples, those convenience stores are drastically smaller and have a handful of pumps. What Buc-ee's fails to highlight is the size and the number of pumps at those convenience stores. The largest convenience store is 5,158 sq. ft. Buc-ees proposed building size is 74,000 square feet. Further, the number of pumps at the largest store is 8 pumps whereas Buc-ees proposes 120 pumps. These examples are what El Paso County has determined are convenience stores – not a 74,000 sq ft Travel Center and gas station. If the legislature wanted to classify C-1 to include a travel center or a gas station, they would have said so. It is beyond the County Commissioners powers to strain or force an interpretation of the Code.

| <b><u>Store</u></b>         | <b><u>Address</u></b> | <b><u>Zoning</u></b> | <b><u>Building Size</u></b> | <b><u>Estimated Fuel Pumps</u></b> |
|-----------------------------|-----------------------|----------------------|-----------------------------|------------------------------------|
| Circle K (Falcon)           | 6970 Meridian Sol Dr  | ---                  | 5,158 sq. ft.               | 8                                  |
| Charlie's Convenience Store | 1580 Meadowbrook Pkwy | CS CAD-O             | 5,040 sq. ft.               | 4                                  |

|                           |                           |               |                           |            |
|---------------------------|---------------------------|---------------|---------------------------|------------|
| Circle K<br>(Meadowbrook) | 613 Meadowbrook<br>Pkwy   | PUD CAD-<br>O | 4,480 sq. ft.             | 7          |
| Fuel B's Sinclair         | 23580 Highway 94          | CS            | 3,500 sq. ft.             | 5          |
| Loaf N Jug                | 6857 Space<br>Village Ave | CC<br>CAD-O   | 3,621 sq. ft.             | 2          |
| <b>Buc-ee's</b>           |                           | <b>C-1</b>    | <b>74,000 sq.<br/>ft.</b> | <b>120</b> |

Further, it should be noted that all the convenience store examples provided by Buc-ees have not been in C-1 zoning. All the stores were in more appropriate zoning districts for gas stations and convenience stores. Specifically, CC and CS allow for gas stations, convenience stores, vehicle repair garage, and truck stops (CC).

## II. The Proposed Fueling Facility Constitutes a "Gas Station," a Use Expressly Excluded from the C-1 District

As a matter of statutory construction, the proposed development cannot be categorized as a permitted use within the C-1 district.

- C-1 Zoning Does Not Permit A Gas Station or Travel Center:** LDC Table 5-1 explicitly enumerates "Gas Station" as an allowed or permitted use within the CC, CR, CS, C-2, and M zoning districts. Notably, "Gas Station" is omitted from the C-1 district provisions. Pursuant to LDC §§ 1.6.6 and 5.3.6(C)(2), the express listing of a use in specific districts "shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed." Further, what should be looked at is the legislative intent. If legislators wanted to include "gas stations" in C-1 zoning, they would have done so. The Board of County Commissioners does not have the power to rewrite or apply ordinances as they see fit, they must look at the legislative intent.
- The Applicant Cannot Strain the Language of An Ordinance to Meet Zoning Requirements:** If language of an ordinance is clear and not ambiguous, the language should not be subjected to a strained or forced interpretation. *Boulder County Bd. Of Equalization v. M.D.C. Constr. Co.*, 830 P.2d 975, 980 (Colo. 1992). The language in C-1 is clear: it permits a convenience store. The proposed project is not a convenience store, it is a very large gas station and a 74,000 square foot store. Surely, the legislative intent of C-1 zoning for "convenience stores" could not have been interpreted to include 120 gas pumps and 74,000 square foot stores. We know this because gas stations with accompanying stores that large did not exist when C-1 was in effect. Therefore, we cannot strain or force a different interpretation on the legislative intent of C-1 zoning.
- The Scale of the Operation Establishes the Primary Use:** A commercial facility featuring 60 dispensers and 120 fueling positions constitutes a "Gas Station" under any literal construction of the Code. LDC § 1.6.1 mandates that provisions be read literally.

Even by Buc-ee's own admissions and press releases it states it is the "world's largest gas station" and the "mother of all gas stations." See <https://www.youtube.com/watch?v=XbV4XWpfMyE>

"Convenience Store" and "Gas Station" are distinct, separately defined, and separately categorized land uses under the Code. While the definition of a "Convenience Store" notes that it "may include retail sale of gasoline," this language contemplates an incidental or subordinate fueling component. It cannot be used as a colorable mechanism to introduce a massive, dedicated fueling infrastructure into a C-1 district where the principal use has been deliberately excluded by the legislature.

**4. The Applicant's Interpretive Errors:** The application relies on flawed textual interpretations to evade the C-1 prohibition (see Application at p. 5):

- *First*, the applicant argues the facility is not a gas station because it lacks vehicle repair, oil change, or car washing capabilities. However, LDC § 1.15 explicitly states that a gas station "*may include [these services] as an incidental use.*" The absence of these optional, secondary services does not negate the character of the primary use.
- *Second*, the applicant interpolates a "primary orientation" standard into LDC § 1.15 that does not exist in the text.
- *Third*, the applicant incorrectly asserts that § 1.15 restricts a gas station's retail operations to the incidental sale of vehicle accessories. Under the plain text of LDC § 1.15, the defining characteristic of a gas station is the retail sale of petroleum products for motor vehicles—a definition that squarely encompasses the applicant's 120-position fueling facility.

**III. The Proposed Facility Fails to Satisfy the Statutory Definition of a "Convenience Store"**

The applicant's attempt to classify the project as a "Convenience Store" fails as a matter of law based on the operational scope and geographic draw of the development.

- 1. The Neighborhood Restriction:** LDC § 1.15 explicitly defines a "Convenience Store" as an establishment designed and intended to serve "the neighborhood in which it is located." The Code further defines a "neighborhood" as "primarily residential areas."
- 2. Evidentiary Contradictions:** Despite the applicant's self-serving assertions that the store will serve the immediate neighborhood (Application at pp. 2, 4), the applicant's own corporate data and operational models demonstrate that the proposed development is a regional tourist destination.
  - On June 22, 2026, the applicant's store-opening manager publicly characterized an identical 74,000-square-foot, 120-fueling-position travel center in Goodyear, Arizona, as a "destination" akin to a major theme park (*Arizona Daily Star*).
  - The Nashville Ledger dated September 13, 2022 released an article titled "Buc-ee's Turns Detour into Destination" which brags about Buc-ee's being a travel destination for travelers. See <http://www.tnledger.com/editorial/Article.aspx?id=156952>.
  - Verified market performance data for identical facilities indicates an extraordinary regional draw: regional hospitality providers experienced total occupancy during opening cycles, and interstate traffic accounted for a substantial plurality of patrons (*The Arizona Republic*; *Arizona Daily Star*).
  - Data provided by the applicant to the City of Springfield, Missouri, indicates an annualized volume of approximately six million patrons, with 88% of those consumers traveling in excess of 20 miles to reach the site.

An interstate commercial destination designed to attract millions of regional travelers cannot reasonably or legally be classified as a local establishment serving a "primarily residential" neighborhood.

#### **IV. Formal Request for Relief**

Based on the foregoing arguments, I respectfully request that the Director and the Commission grant the following relief:

1. **Deny** Buc-ee's appeal and uphold the Director's July 1 determination;
2. Recognize that a 120-position fuel facility is a gas station, which the Code excludes from C-1;
3. Decide the appeal in public, on a full evidentiary record, with the community heard; and
4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public interest and the integrity of the Land Development Code demand that a project of this unprecedented regional scale be subjected to rigorous public scrutiny on the record.

Respectfully submitted,

Michelle Beichley, Esq., No. 52272

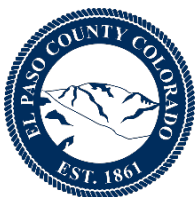
19834 Kershaw Ct. Monument, CO 80132



## Jessica Merriam

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**From:** Meggan Herington  
**Sent:** Monday, July 13, 2026 12:51 PM  
**To:** Jessica Merriam  
**Subject:** FW: Possible Buc-ee's Travel Center in El Paso County



**Meggan Herington, AICP**  
Executive Director  
El Paso County Planning and Community Development  
719-520-7941  
<https://planningdevelopment.elpasoco.com>

---

**From:** Michelle Kiernan <pandmkiernan59@gmail.com>  
**Sent:** Monday, July 13, 2026 12:48 PM  
**To:** Meggan Herington <MegganHerington@elpasoco.com>  
**Subject:** Fwd: Possible Buc-ee's Travel Center in El Paso County

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**Date:** July 13, 2026 at 12:40:57 PM MDT

**To:** [meganherington@elpasoco.com](mailto:meganherington@elpasoco.com), [carctb@elpasocounty.com](mailto:carctb@elpasocounty.com),  
[carriegeitner@elpasoco.com](mailto:carriegeitner@elpasoco.com), [hollywilliams@elpasoco.com](mailto:hollywilliams@elpasoco.com), [billwysong@elpasoco.com](mailto:billwysong@elpasoco.com),  
[laurennelson@elpasoco.com](mailto:laurennelson@elpasoco.com), [coryapplegate@elpasoco.com](mailto:coryapplegate@elpasoco.com)

**Subject:** Possible Buc-ee's Travel Center in El Paso County

To El Paso County Board of Commissioners:

I am sending this e-mail to express my opinion about a possible Buc-ee's Super Gas Station located at the top of Monument Hill in El Paso County.

Currently, the land located at Interstate 25 and County Line Road/Beacon Lite Road is zoned C-1 which does not allow for Gas Stations so

Buc-ee's is appealing to you that their establishment is a Convenience Store. Buc-ee's does not meet the Code's definition of a Convenience Store since it is not in business to serve the local community, Bucee's is actually a TRAVEL CENTER designed to be a DESTINATION to serve drivers from all over the state of Colorado and country.

An average convenience store is 3000 to 5000sf and uses between 200 to 600 gallons of water a day.

A Buc-ee's Travel Center will be 75,000sf and use approximately 37,500 gallons of water per day. Buc-ee's is NOT a gas station or a convenience store.

Buc-ee's will be a REGIONAL Travel Center, the amount of traffic will increase dramatically at Interstate 25 and County Line Road, causing more trouble and possible accidents on an already congested and heavily traveled section of the highway.

I am respectfully requesting the Board vote NO on approval of a Buc-ee's Regional Travel Center which they are trying to pass off as a CONVENIENCE STORE to serve our local community.

Sincerely,

Michelle Kiernan

15570 Deercross Court

Colorado Springs, CO. 80921

[pandmkiernan59@gmail.com](mailto:pandmkiernan59@gmail.com)

## Jessica Merriam

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**From:** Kylie Bagley  
**Sent:** Thursday, July 9, 2026 11:51 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 - Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

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**From:** mikekopy@comcast.net <mikekopy@comcast.net>  
**Sent:** Thursday, July 9, 2026 9:39 AM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; 'Kelley Kopycinski' <kkopy@comcast.net>  
**Subject:** Buc-ee's Appeal of Administrative Determination ADM264 - Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

1. **A gas station is not a permitted use in C-1.** Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store definition's "may include retail sale of gasoline" covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires, **this use is prohibited in C-1.**

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.
- Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
- Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.

2. **The use does not meet the Code's "Convenience Store" definition.** That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it **"a destination," comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3. **The appeal's "similar use" fallback cannot rescue it either.** Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1 would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation comparisons do not change this: similar traffic does not override an express exclusion.

4. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.** Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each with full notice and hearing.

5. **The application is also unreliable on its face.** Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages

calculated on shifting denominators; and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
2. Recognize that a 120-position fuel facility **is** a gas station, which the Code excludes from C-1;
3. Decide the appeal in public, on a full evidentiary record, with the community heard; and
4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Furthermore, it does NOT serve our neighborhood and certainly does a disservice to our already established businesses.

Please deny the appeal.

Respectfully  
Mike Kopycinski  
18865 Spring Valley Rd.  
Monument, CO 80132  
Unincorporated El Paso County

## Jessica Merriam

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**From:** Kylie Bagley  
**Sent:** Monday, July 13, 2026 9:27 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's is NOT a convenience store



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

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**From:** Mike Stern <mxstern@gmail.com>  
**Sent:** Sunday, July 12, 2026 9:45 PM  
**Subject:** Buc-ee's is NOT a convenience store

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**Re: Buc-ee's Appeal of Administrative Determination ADM264 — Request to Deny the Appeal and Uphold the Director's July 1, 2026 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)**

Dear Commissioners,

On July 1, 2026, the Planning and Community Development Director determined that the proposed Buc-ee's development—a 30-plus-acre interstate travel center—could not be classified as a permitted "Convenience Store" within the C-1 zoning district because the proposed use does not qualify under the El Paso County Land Development Code. Buc-ee's has appealed that determination. I respectfully ask the Board to deny the appeal and uphold the Director's decision.

This appeal is not about whether Buc-ee's is a successful company or whether it belongs somewhere else. It is about faithfully applying the County's Land Development Code, which already provides the answer.

**A gas station is not a permitted use in the C-1 zoning district.** Table 5-1 specifically allows "Gas Station" uses in the CC, CR, CS, C-2, and M districts—but not in C-1. Sections **1.6.6** and **5.3.6(C)(2)** further provide that when a use is listed in certain districts but omitted from another, that omission "shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed." A facility containing approximately **60 fuel dispensers and 120 fueling positions** is plainly a gas station. The Code separately defines and separately lists "Convenience Store" and "Gas Station" as distinct land uses. While the Convenience Store definition states that it *may include* the retail sale of gasoline, that language clearly contemplates incidental fueling—not an interstate fueling complex that is fundamentally centered on fuel sales. Reading the Code literally, as required by **§ 1.6.1**, this proposed use is prohibited in the C-1 district.

The appeal attempts to avoid this conclusion by misreading the Gas Station definition in several significant ways, all originating on page five of its underlying request.

First, Buc-ee's argues that it is not a gas station because it will not provide vehicle repairs, oil changes, accessory installation, or car washing. However, **§ 1.15** does not require those services. The Code simply states that such services *may* be included as incidental uses. Their absence has no bearing on whether the primary use is a gas station.

Second, the appeal claims that a gas station must be "primarily oriented toward the petroleum fueling and servicing of motor vehicles." That "primary orientation" language appears nowhere within **§ 1.15** and cannot be inserted into the Code through interpretation.

Third, Buc-ee's argues that the Gas Station definition limits retail activity solely to incidental vehicle accessory sales. It does not. The defining characteristic of a gas station under **§ 1.15** is the retail sale of gasoline and diesel fuel for motor vehicles. Buc-ee's unquestionably satisfies that definition with its proposed 120 fueling positions. Under the Code as written, this project is a gas station, and gas stations are not permitted in C-1.

Nor does the proposal satisfy the Code's definition of a **Convenience Store**.

Section **1.15** requires that a convenience store serve "the neighborhood in which it is located," while the Code defines a neighborhood as an area consisting primarily of residential development. Although the appeal asserts that Buc-ee's serves the surrounding neighborhood, the evidence demonstrates precisely the opposite.

This proposal is designed and marketed as a regional tourism destination—not as a neighborhood convenience store.

At the grand opening of Buc-ee's Goodyear, Arizona location—a facility substantially identical to the proposal before you (approximately 74,000 square feet, 120 fueling positions, and approximately 165 restrooms)—the company's own store-opening manager described it as **"a destination,"** comparing the experience to visiting Disney World.

Media coverage documented hotels selling out during opening weekend while customers traveled from Oregon, Minnesota, Nevada, California, and numerous other states to visit the facility.

Likewise, figures Buc-ee's submitted to the City of Springfield, Missouri estimate approximately **six million annual customers**, with roughly **88% traveling more than 20 miles** to reach the store.

A business that markets itself as a regional, multi-state destination attracting travelers who drive hundreds of miles and reserve hotel rooms cannot reasonably be characterized as serving "the neighborhood in which it is located." The appeal's attempt to redefine the interstate corridor itself as the "neighborhood" finds no support in the Code.

The appeal's alternative argument—that Buc-ee's should be approved as a "similar use" under **§ 5.3.6(C)(1)**—fails for the same reason.



Section **5.3.6(E)** expressly prohibits any interpretation that:

- authorizes a use unless it is substantially similar to an allowed use;
- permits a use inconsistent with the purpose of the zoning district; or
- has the effect of amending, waiving, or abrogating any requirement established by the Code.

Reclassifying a prohibited gas station as a convenience store would effectively eliminate the Code's explicit exclusion of gas stations from C-1, precisely what **§ 5.3.6(E)** forbids.

The "similar use" provision exists to classify land uses not otherwise identified within the Code. Gas stations are already specifically identified—and specifically excluded from the C-1 district. Comparisons regarding trip generation or traffic volumes cannot override an express legislative exclusion.

This matter also deserves to be decided on a complete public record.

Determining the permitted use of a particular parcel through interpretation of the Land Development Code is a discretionary, quasi-judicial determination. Section **5.3.6(B)** expressly describes this process as requiring "analysis and comparison of various code provisions," rather than a purely ministerial review.

Indeed, the County itself stated in February 2026 that **a public hearing is required to determine the appropriate use classification** for a project of this nature.

The issues raised by this appeal—including whether this proposal serves a neighborhood, its anticipated traffic, water consumption, public safety implications, and overall compatibility with the district—cannot fairly be resolved solely through the applicant's written submissions.

If the Board is inclined to reverse the Director's determination, fundamental fairness requires a noticed public evidentiary hearing where all affected residents have an opportunity to present testimony and evidence.

Furthermore, the Code distinguishes between **C-1**, intended for neighborhood-scale commercial activity (**§ 4.4.1**), and **C-2**, intended for larger commercial activity (**§ 4.4.4**). Because gas stations are permitted in C-2—but not in C-1—the proper process for a regional interstate travel center is a rezoning to C-2 or review through a Special Use or Planned Unit Development (PUD), each requiring full public notice and hearing.

The application itself is also unreliable.

Beyond the legal deficiencies discussed above, the record repeatedly misstates both the Code and the underlying facts. Examples include:

- presenting a purported "complete" list of C-1 permitted uses while omitting Convenience Stores entirely;
- relying upon inconsistent methods for calculating fuel-area percentages;
- misstating landscaping requirements as 5 percent when the Code requires more.

These repeated inaccuracies further support upholding the Director's determination rather than reversing it on an incomplete and unreliable administrative record.

The appeal is also misleading in its comparison of Buc-ee's to conventional convenience stores such as Circle K.

Buc-ee's compares only its enclosed retail building while excluding its extensive fueling area, parking fields, and overall developed footprint. Yet under standard International Building Code site calculations and ordinary land-use analysis, the entire developed site—not merely the enclosed retail floor area—is relevant when evaluating project scale and impacts.

**Using Buc-ee's own methodology consistently demonstrates the enormous disparity:**

- **Circle K, 11769 US-24, Falcon: approximately 155,411 square feet when the entire developed property is measured.**
- **Buc-ee's Luling, Texas: approximately 624,245 square feet using the identical measurement methodology.**

**Likewise:**

- **Circle K, 613 Meadowbrook Parkway: approximately 76,557 square feet using Buc-ee's methodology.**
- **Buc-ee's Sevierville, Tennessee: approximately 728,025 square feet using that same methodology.**

**Applying different measurement standards to Buc-ee's than to competing convenience stores creates a false equivalency. When measured consistently, Buc-ee's is many times larger than the facilities to which it compares itself.**

**Ultimately, Buc-ee's simply does not satisfy the Land Development Code's definition of a convenience store.**

Monument Hill should not be transformed into a regional interstate fueling destination that serves travelers from across multiple states rather than the surrounding residential neighborhood envisioned by the C-1 district.

The public benefits asserted by the applicant are speculative, while the costs—including many hidden costs—will fall upon local residents and taxpayers. These include increased demands on roads, emergency services, infrastructure, and public resources.

Unfortunately, the applicant's repeated mischaracterizations of both the Code and the facts call into question the reliability of its representations. This proposal would place substantial and lasting burdens upon Monument Hill, including impacts to water resources, wildfire evacuation routes, emergency response capabilities, local infrastructure, Greenland Open Space, and additional concerns such as increased crime and human trafficking risks associated with major interstate travel centers.

For these reasons, I respectfully request that the Board:

- **Deny Buc-ee's appeal and uphold the Director's July 1, 2026 determination;**
- **Recognize that a facility with approximately 120 fueling positions is a gas station expressly excluded from the C-1 zoning district;**
- **Ensure that any further consideration occurs through a full public evidentiary process with meaningful community participation; and**
- **Require the applicant to pursue the appropriate zoning process, including rezoning to C-2 or Special Use/PUD review, with full public notice and hearing.**

The citizens of El Paso County deserve the opportunity to be heard before a land use expressly excluded from the C-1 district is effectively permitted through an administrative reinterpretation. I respectfully ask that you deny the appeal and uphold both the Director's determination and the integrity of the County's Land Development Code.

Respectfully,

**Mike Stern**

18970 Spring Valley Road

Wakonda Hills

Monument, CO 80132

El Paso County

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## Jessica Merriam

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**From:** Kylie Bagley  
**Sent:** Thursday, July 9, 2026 3:13 PM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
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719.520.6323  
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---

**From:** nancy <emash90@aol.com>  
**Sent:** Thursday, July 9, 2026 2:12 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <tony.Keith@koa.com>; Noah.Caplan@koa.com <noah.caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <asack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <karin.brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <lbergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

1. **A gas station is not a permitted use in C-1.** Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store definition's "may include retail sale of gasoline" covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires, **this use is prohibited in C-1.**

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.
- Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
- Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.

2. **The use does not meet the Code's "Convenience Store" definition.** That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it **"a destination," comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3. **The appeal's "similar use" fallback cannot rescue it either.** Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1 would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation comparisons do not change this: similar traffic does not override an express exclusion.

4. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.** Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate

fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each with full notice and hearing.

5. **The application is also unreliable on its face.** Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators; and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
2. Recognize that a 120-position fuel facility **is** a gas station, which the Code excludes from C-1;
3. Decide the appeal in public, on a full evidentiary record, with the community heard; and
4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully

Nancy and Gerald Hemendinger  
19240 Starwood Drive  
Monument, Colorado 80132  
[Your address / neighborhood, El Paso County]

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Thursday, July 9, 2026 12:49 PM  
**To:** Jessica Merriam  
**Subject:** Fw: Objection to the Buc-ee's Appeal of Administrative Determination ADM264



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
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**From:** Nikki Curtis <nmcurtis67@gmail.com>  
**Sent:** Thursday, July 9, 2026 12:03 PM  
**To:** Cory Curtis <cory.curtis@blazerelectricsupply.com>  
**Cc:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koaa.com <Tony.Keith@koaa.com>; Noah.Caplan@koaa.com <Noah.Caplan@koaa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>; Nikki Curtis <nmcurtis67@gmail.com>  
**Subject:** Re: Objection to the Buc-ee's Appeal of Administrative Determination ADM264

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Board of County Commissioners

**RE: Denial of Buc-ee's Appeal of Administrative Determination ADM264**

Dear Commissioners,

I am writing to respectfully request that the Board of County Commissioners **deny Buc-ee's appeal and uphold the Director's July 1 determination** regarding Administrative Determination ADM264.

The proposal for a 120-position fueling facility at I-25 and County Line Road / Beacon Lite Road clearly constitutes a gas station. Under our current County Code, gas stations are explicitly excluded from the C-1 Commercial Zone. Approving this appeal would bypass the clear intent and text of our local zoning regulations.

To ensure fairness and transparency for all parties involved, I urge the Board to take the following actions:

- **Uphold the Code:** Recognize that a fueling facility of this scale is fundamentally a gas station, which is not a permitted use in the C-1 zone.
- **Ensure Public Transparency:** Decide this appeal in public, based on a full evidentiary record, ensuring that the impacted community has a meaningful opportunity to be heard.
- **Require Proper Process:** Direct the applicant to utilize the appropriate public planning processes already established by the county—such as a request for rezoning to C-2, or a special-use / Planned Unit Development (PUD) review. This will guarantee full public notice and comprehensive hearings.

Thank you for your time, your leadership, and your continued commitment to upholding our county's zoning standards and protecting the integrity of our community.

Respectfully submitted,

Nikki Curtis

1615 Plowman Place, Monument, CO 80132

[nmcurtis67@gmail.com](mailto:nmcurtis67@gmail.com)

719.337.0593



## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Monday, July 13, 2026 9:15 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
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**From:** Nolene <nolenemetzger@aol.com>  
**Sent:** Sunday, July 12, 2026 7:18 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>  
**Subject:** Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear El Paso County Board of County Commissions Williams, Geitner, Wysong, Applegate and Nelson,

The Land Development Code defines a Convenience Store as serving the neighborhood in which it is located. This proposal is a regional interstate travel center. It does not match that use in character, descriptor, or intensity. It will not serve the local community.

Furthermore, when defining what a convenience store is, I was able to locate the following information from NACS\*:

<https://www.convenience.org/stay-current/convenience-store-fast-facts-and-stats/what-is-a-convenience-store>

NACS defines a convenience store as a retail business that provides the public with a **convenient location to quickly purchase a wide variety of consumable products and services, generally food and gasoline**. While not fixed requirements, convenience stores have the following general characteristics:

1. While building size may vary significantly, **typically the size will be less than 5,000 square feet**.
2. Off-street parking and/or convenient pedestrian access.
3. Extended hours of operation, with many open 24 hours, seven days a week.
4. Offer at least 500 stock keeping units (SKUs).
5. Product mix includes grocery type items and also includes items from the following groups: beverages, snacks (including confectionery) and tobacco.

Decades ago, convenience stores looked about the same—2,400 square feet of packaged consumer items. Today, companies are approaching markets with different types of stores and different products with an extensive variety of product offerings, in-store seating and fresh-prepared foodservice.

The NACS research report, "Convenience Store Industry Marketing Strategies and Store Formats," identifies six convenience store formats:

- Kiosk
- Mini Convenience Store
- Limited Selection Convenience Store
- Traditional Convenience Store
- Expanded Convenience Store
- Hyper Convenience Store

### **Kiosk**

This format is less than **800 square feet** and intended to provide some additional revenue beyond gasoline sales. A kiosk owner is typically an oil company or petroleum marketer. The site sells items like tobacco, beverages, snacks and confectioneries, and in-store sales are about 10% of revenues. Parking is limited to the pumps and customers are likely commuters and local residents refueling only.

### **Mini Convenience Store**

Usually **800 to 1,200 square feet**, this format is popular with oil companies and the emphasis is on gasoline sales. Grocery selection is minimal and foodservice is typically pre-packaged sandwiches. There is no parking other than at the pumps, although some locations have modest striped parking. Customers are usually people refueling; however, there are stores in urban areas that may not have a fuel offer.

### **Limited Selection Convenience Store**

These stores range from **1,500 to 2,200 square feet** and are often affiliated with an oil company. Both gasoline and in-store sales are important profit centers. They have a broader product mix than the mini convenience store and grocery, although limited by traditional convenience store standards. Foodservice programs are limited to roller grill. Gasoline is the main driver but traditional convenience store patrons are important. Striped parking and extended hours are common.

### **Traditional Convenience Store**

Many convenience stores fall into this category. They are about **2,500 square feet** and offer a product mix that includes dairy, bakery, snack foods, beverages, tobacco, grocery, confectionery, prepared foods to go, fresh or frozen meats, gasoline, various services and limited produce items. Most stores have 6 to 12 striped parking spaces or some form of convenient pedestrian access. Most are open 24/7 and are owned by convenience store chains, although oil companies have also built or acquired stores of this size.

### **Expanded Convenience Store**

These stores are **2,800 to 3,600 square feet** and can accommodate more shelving for additional grocery products, or room for significant foodservice operations and seating. These stores carry traditional convenience store items. Parking is important with most having about 10 to 20 marked spaces. Hours are extended and these locations attract the typical convenience store customer as well as families, women and seniors.

### **Hyper Convenience Store**

These large stores are **4,000 to 5,000 square feet** and offer a variety of products and services by department. For example, stores may offer a bakery, a sit-down restaurant area or a pharmacy. Most of these locations sell gasoline. The number of employees per shift can be large, particularly if there is a small restaurant. The number of parking spaces is substantial and the amount of time the average customer spends in the store can be significant. Hours are extended. Families and senior citizens as well as traditional convenience store customers are patrons. In some locations, stores are mini-truck stops. Nothing mentioned above is anywhere near 74,000 square feet.

\*NACS: <https://www.convenience.org/About-NACS>

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
2. Recognize that a 120-position fuel facility **is** a gas station, which the Code excludes from C-1;
3. Decide the appeal in public, on a full evidentiary record, with the community heard; and
4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully,  
Nolene Metzger  
Monument CO  
El Paso County



## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Friday, July 10, 2026 3:04 PM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
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**From:** Patti Hettler <pahettler@gmail.com>  
**Sent:** Friday, July 10, 2026 2:58 PM  
**To:** Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTV News <news@kktv.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

As a 35 year resident of the Monument area, I strongly oppose the proposed Buc-ee's as a permitted use in the C-1 zoning district, and I ask that this matter be referred to the Board of County Commissioners for a public hearing. The application asks the County to allow, by a closed-door administrative determination, a use the Land Development Code does not permit in C-1.

I have been following the proposed Buc-cee's being built off County Line Road and I-25. I have many concerns beginning with water. If there is no concern over water why is Palmer Lake and Monument/Woodmoor on water restrictions? Also, we had a very mild winter with little snow fall or rain over the last six months. Is it not a concern that our lakes and resevoirs may be extremely low?

My other concern is the location of where Buc-cee's want to build. Since Palmer Ridge High School is near the intersection of County Line Road and I-25 it is a major route for students, from the Palmer Lake and some Monument Locations, to get to the school using County Line Road. Should we not be concerned about the safety of these students? Traffic is bad enough on I-25 without

adding extra traffic not to mention the infrastructure on County Line Road not being able to handle massive amounts of traffic.

Since we are on high fire danger another concern is safety regarding evacuations due to fires. County Line Road, I-25 and Highway 83 are major outlets for the people of the Tri-Lakes area. Added on and off traffic from Bucc-ee's on I-25 could impact evacuations and Highway 83 is only a two lane road causing serious issues for people trying to evacuate. This could also effect Colorado Springs residences if an evacuation is in progress. The thought of 120 gas pumps along a busy interstate does not make sense. We are usually under a no burn restrictions at least once a year! If a fire started around I-25 and County Line area it could put hundreds of people at risk.

Please put politics and money aside and concentrate on what is best for the people in the Tri-Lakes and Colorado Springs area.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

1. A gas station is not a permitted use in C-1. Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store definition's "may include retail sale of gasoline" covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires, this use is prohibited in C-1.

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.

- Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
- Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.

2. The use does not meet the Code's "Convenience Store" definition. That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it **"a destination," comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3. **The appeal's "similar use" fallback cannot rescue it either.** Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1 would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation comparisons do not change this: similar traffic does not override an express exclusion.

4. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.** Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves the neighborhood," the traffic and



water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each with full notice and hearing.

5. **The application is also unreliable on its face.** Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators; and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
2. Recognize that a 120-position fuel facility **is** a gas station, which the Code excludes from C-1;
3. Decide the appeal in public, on a full evidentiary record, with the community heard; and
4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully

Patricia Hettler  
1537 Acorn Way  
Monument CO 80132  
719-641-0476  
[pahettler@gmail.com](mailto:pahettler@gmail.com)

## Jessica Merriam

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**From:** Kylie Bagley  
**Sent:** Thursday, July 9, 2026 8:43 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Public Comment on APP261 / ADM264 — Request to Deny Buc-ee's Appeal



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
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**From:** Patti Selvey <pattiselvey52@gmail.com>  
**Sent:** Wednesday, July 8, 2026 6:48 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; eharris@palmer-lake.org <eharris@palmer-lake.org>; rmoseley@palmer-lake.org <rmoseley@palmer-lake.org>; jmarble@palmer-lake.org <jmarble@palmer-lake.org>; mbeeson@palmer-lake.org <mbeeson@palmer-lake.org>; ajurka@palmer-lake.org <ajurka@palmer-lake.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koaa.com <Tony.Keith@koaa.com>; Noah.Caplan@koaa.com <Noah.Caplan@koaa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTv News <news@kktv.com>; news@krdo.com <news@krdo.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Public Comment on APP261 / ADM264 — Request to Deny Buc-ee's Appeal

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners:

I respectfully request that the Board deny Buc-ee's appeal in file APP261 and uphold the Planning and Community Development Director's July 1 determination in ADM264.

I understand that this appeal presents a limited question: whether the proposed Buc-ee's use is allowed in the C-1 zoning district as a "Convenience Store," or is sufficiently similar to an allowed use to be treated as one. This is not a request that the Board decide every potential impact of the proposed development. It is a request that the Board apply the existing Land Development Code without expanding an allowed-use classification beyond its reasonable meaning.

**1. The Code separately identifies convenience stores and gas stations.**

The Land Development Code separately defines and regulates "Convenience Store" and "Gas Station." A gas station is defined by the retail sale of gasoline, diesel or other vehicle fuel. The proposed facility would contain approximately 60 dispensers and 120 fueling positions and would plainly engage in retail vehicle-fuel sales on an extraordinary scale.

The C-1 use table allows convenience stores but does not list gas stations. Section 1.6.6 provides that listing a use as permitted in certain zoning districts excludes that use from districts in which it is not listed. Gas stations are listed in other commercial and industrial districts, but not in C-1.

The convenience-store definition states that a convenience store may include retail gasoline sales. That language should be read together with—not in a way that eliminates—the Code’s separate gas-station definition and use-table classifications. Otherwise, virtually any fuel facility could become a C-1 convenience store merely by adding a sufficiently large retail building.

The Board should therefore consider the project’s actual function, not simply the applicant’s preferred label.

## **2. The proposal does not reasonably fit the neighborhood-serving element of the convenience-store definition.**

The Code describes a convenience store as serving the neighborhood in which it is located. Buc-ee’s proposes an approximately 74,000-square-foot facility with 120 fueling positions and hundreds of parking spaces at an interstate interchange.

Those characteristics indicate a regional interstate destination rather than a store principally serving the surrounding neighborhood. The question is not whether some nearby residents might shop there. The question is whether the proposed use, considered as a whole, reasonably fits the Code’s neighborhood-serving convenience-store classification.

Treating an interstate corridor and its regional travelers as the relevant “neighborhood” would expand that term far beyond its ordinary land-use meaning.

## **3. The similar-use provision should not override the express exclusion of gas stations from C-1.**

The applicant alternatively argues that the proposal is sufficiently similar to a permitted C-1 use. But a similar-use interpretation should not be used to accomplish indirectly what the use table does not permit directly.

The Code already recognizes and defines gas stations. Because gas stations are expressly listed in some districts and omitted from C-1, the similar-use process should not be used to reclassify a large fuel-centered operation as a convenience store.

The proposed project's scale, parking demand, fueling capacity, operating characteristics and regional orientation are also relevant to whether it is substantially similar in character and intensity to uses reasonably contemplated in C-1.

**4. Denying the appeal would not prohibit Buc-ee's from pursuing the appropriate public process.**

A denial would establish only that this particular proposal cannot proceed as a permitted C-1 convenience store based on the present record. Buc-ee's could pursue an applicable discretionary land-use process identified by county staff, potentially including rezoning or another process involving appropriate notice, technical review and public participation.

That approach would preserve the distinction between interpreting the existing Code and effectively changing the range of uses allowed in C-1.

For these reasons, I respectfully ask the Board to:

1. Deny the appeal in APP261;
2. Uphold the Director's determination in ADM264;
3. Find that the proposed use has not been shown to qualify as a C-1 convenience store or substantially similar permitted use; and
4. Require any further proposal to proceed through the applicable discretionary land-use process.

Thank you for considering this comment and including it in the official record.

Respectfully,  
Patricia M. Selvey  
Monument, CO

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 8:24 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Public Comment on APP261 / ADM264 — Request to Deny Buc-ee's Appeal



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
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**From:** Paul Lee <paullee.1990@gmail.com>  
**Sent:** Tuesday, July 7, 2026 4:43 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; eharris@palmer-lake.org <eharris@palmer-lake.org>; rmoseley@palmer-lake.org <rmoseley@palmer-lake.org>; jmarble@palmer-lake.org <jmarble@palmer-lake.org>; mbeeson@palmer-lake.org <mbeeson@palmer-lake.org>; ajurka@palmer-lake.org <ajurka@palmer-lake.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; news@krdo.com <news@krdo.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Public Comment on APP261 / ADM264 — Request to Deny Buc-ee's Appeal

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Treating an interstate corridor and its regional travelers as the relevant “neighborhood” would expand that term far beyond its ordinary land-use meaning.

## **3. The similar-use provision should not override the express exclusion of gas stations from C-1.**

The applicant alternatively argues that the proposal is sufficiently similar to a permitted C-1 use. But a similar-use interpretation should not be used to accomplish indirectly what the use table does not permit directly.

The Code already recognizes and defines gas stations. Because gas stations are expressly listed in some districts and omitted from C-1, the similar-use process should not be used to reclassify a large fuel-centered operation as a convenience store.



The proposed project's scale, parking demand, fueling capacity, operating characteristics and regional orientation are also relevant to whether it is substantially similar in character and intensity to uses reasonably contemplated in C-1.

**4. Denying the appeal would not prohibit Buc-ee's from pursuing the appropriate public process.**

A denial would establish only that this particular proposal cannot proceed as a permitted C-1 convenience store based on the present record. Buc-ee's could pursue an applicable discretionary land-use process identified by county staff, potentially including rezoning or another process involving appropriate notice, technical review and public participation.

That approach would preserve the distinction between interpreting the existing Code and effectively changing the range of uses allowed in C-1.

For these reasons, I respectfully ask the Board to:

1. Deny the appeal in APP261;
2. Uphold the Director's determination in ADM264;
3. Find that the proposed use has not been shown to qualify as a C-1 convenience store or substantially similar permitted use; and
4. Require any further proposal to proceed through the applicable discretionary land-use process.

Thank you for considering this comment and including it in the official record.

Respectfully,  
Paul J. Lee  
Monument, Colorado

--

**Paul J. Lee**  
University of Maryland, Class of 2013  
[paullee.1990@gmail.com](mailto:paullee.1990@gmail.com)  
410.624.6328

## Jessica Merriam

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**From:** Kylie Bagley  
**Sent:** Monday, July 13, 2026 9:14 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Re; Buc-ee's appeal of administrative determination ADM264- PLEASE DENY



### Kylie Bagley

Principal Planner  
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**From:** Rachael Bauer <ornursermb@gmail.com>  
**Sent:** Sunday, July 12, 2026 11:50 AM  
**To:** Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>  
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### **Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)**

Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

1. **A gas station is not a permitted use in C-1.** Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store definition's "may include retail sale of gasoline" covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires, **this use is prohibited in C-1.**

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.
  - Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
  - Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.
2. **The use does not meet the Code's "Convenience Store" definition.** That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening

manager called it **"a destination," comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3. **The appeal's "similar use" fallback cannot rescue it either.** Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1 would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation comparisons do not change this: similar traffic does not override an express exclusion.
4. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.** Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each with full notice and hearing.
5. **The application is also unreliable on its face.** Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators; and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
2. Recognize that a 120-position fuel facility **is** a gas station, which the Code excludes from C-1;
3. Decide the appeal in public, on a full evidentiary record, with the community heard; and
4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully,  
Rachael Bauer

## Jessica Merriam

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**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 8:30 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Deny Buc-ee's appeal



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Ron Baumert <rbaumert@gmail.com>  
**Sent:** Wednesday, July 8, 2026 2:21 AM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>  
**Subject:** Deny Buc-ee's appeal

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### This message needs your attention

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Dear Commissioners,

I urge you to deny Buc-ee's appeal and uphold the Planning and Community Development Director's July 1, 2026 determination.

This appeal comes down to one simple question: **Is Buc-ee's a convenience store serving the surrounding neighborhood, or is it a massive interstate travel center?**

The answer is obvious.

Buc-ee's is a 30+ acre, 74,000-square-foot destination travel center with approximately 120 fueling positions. The company itself markets these facilities as destinations, not neighborhood convenience stores. At its recent Goodyear, Arizona opening, Buc-ee's described the store as "a destination," comparing it to Disney World. Hotels sold out, and customers traveled from multiple states to visit. Buc-ee's has also stated that approximately 88% of its customers travel more than 20 miles to reach its stores.

That is not a neighborhood convenience store by any reasonable interpretation of the Land Development Code.

The Code requires a convenience store to serve "the neighborhood in which it is located." It also treats gas stations and convenience stores as separate land uses and intentionally allows gas stations in several commercial districts—but not in C-1. A facility with 120 fueling positions is plainly a gas station and an interstate travel center, regardless of whether it also sells sandwiches, souvenirs, or groceries.

Frankly, this should never have been a close call. But for some reason, the Director was unable to determine that Buc-ee's is not a convenience under LDC. The evidence overwhelmingly demonstrates that Buc-ee's is not the type of neighborhood-serving use contemplated by the C-1 district.

This is not a vote on Buc-ee's as a company. It is a vote on whether the County will apply its own Land Development Code as written. If Buc-ee's wishes to build in El Paso County, it should pursue the zoning district intended for large-scale commercial and travel-oriented uses—not attempt to fit a regional destination into a zoning category designed for neighborhood convenience stores.

For these reasons, I respectfully ask you to deny the appeal by Buc-ee's; it does NOT belong at their proposed location.

---

Ron Baumert

[rbaumert@gmail.com](mailto:rbaumert@gmail.com)

Monument CO

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Friday, July 10, 2026 1:04 PM  
**To:** Jessica Merriam  
**Subject:** Fw: Oppose bucees claim as a convenient store APP261



**Kylie Bagley**  
Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Sch Na <scheri.nagaraj@gmail.com>  
**Sent:** Friday, July 10, 2026 12:53 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>  
**Subject:** Oppose bucees claim as a convenient store APP261

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I am writing to urge El Paso County to deny Buc-ee's request to classify its proposed Monument-area project as a "convenience store."

The proposed Buc-ee's is a travel center as described on their own website and is not appropriate for the location which is across the street from homes and conserved open space.

It will be the largest gas station in El Paso County, potentially all of Colorado, and should not be grouped as a convenience store. It is undeniable that the draw for Buc-ee's 10k plus cars per day is gasoline, with food and merchandise being secondary, thus not a convenience store.



Please deny the proposal as a convenience store because it does not adhere to the El Paso County master plan and to the property rights of those surrounding the proposed location.

Thank you,  
Scheri Nagaraj

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 8:26 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Request to deny Buc-ee's re Determination ADM264



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Scott Towne <jscotttowne@gmail.com>  
**Sent:** Tuesday, July 7, 2026 6:04 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; eharris@palmer-lake.org <eharris@palmer-lake.org>; rmoseley@palmer-lake.org <rmoseley@palmer-lake.org>; jmarble@palmer-lake.org <jmarble@palmer-lake.org>; mbeeson@palmer-lake.org <mbeeson@palmer-lake.org>; ajurka@palmer-lake.org <ajurka@palmer-lake.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; Tri-Lakes Preservation, Inc. <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koaa.com <Tony.Keith@koaa.com>; Noah.Caplan@koaa.com <Noah.Caplan@koaa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL KKTU News <news@kktv.com>; news@krdo.com <news@krdo.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>  
**Subject:** Request to deny Buc-ee's re Determination ADM264

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**This message needs your attention**

- This is a personal email address.
- This is their first mail to some recipients.

[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

1.

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**4. gas station is not a permitted use in C-1.**

5. Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which

6. the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store definition's "may include retail sale of gasoline"

7. covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires,

**8. this**

**9. use is prohibited in C-1.**

10.

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

- 
- 
- First,
  - it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental
  - use." Their absence is irrelevant.
  - 
  - 
  -
- Second,
  - the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
  - 
  - 
  -
- Third,
  - it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does,
  - at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.
  -

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4. **The**

5. **use does not meet the Code's "Convenience Store" definition.**

6. That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will

7. not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

8.

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it **"a destination," comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

- 3.
- 4.
5.     **The**
6.     **appeal's "similar use" fallback cannot rescue it either.**
7.     Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an
8.     allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1
9.     would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation
10.    comparisons do not change this: similar traffic does not override an express exclusion.
- 11.

- 4.
- 5.
6.     **This**
7.     **decision belongs on a full public record — and the right path is a rezoning, not a reclassification.**
8.     Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed

9. to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves
10. the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined
11. to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes
12. C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each
13. with full notice and hearing.
- 14.

- 5.
- 6.
7. **The**
8. **application is also unreliable on its face.**
9. Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators;
10. and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.
- 11.

I respectfully request that the Board:

- 1.
- 2.
3. Deny
4. Buc-ee's appeal and uphold the Director's July 1 determination;
- 5.
- 6.
- 7.
8. Recognize
9. that a 120-position fuel facility **is**
10. a gas station, which the Code excludes from C-1;
- 11.
- 12.
- 13.
14. Decide
15. the appeal in public, on a full evidentiary record, with the community heard; and
- 16.

- 17.
- 18.
19. Require
20. the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.
- 21.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully  
Jamie Towne  
720 Winding Hills Rd  
Monument, Co 80132  
North Woodmoor  
El Paso County

JS Towne

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 8:27 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

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**From:** Sherry and Bob MacDonald <bobandsherrymac@gmail.com>  
**Sent:** Tuesday, July 7, 2026 6:21 PM  
**To:** Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>  
**Cc:** Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; Kenneth Kimple <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; eharris@palmer-lake.org <eharris@palmer-lake.org>; rmoseley@palmer-lake.org <rmoseley@palmer-lake.org>; jmarble@palmer-lake.org <jmarble@palmer-lake.org>; mbeeson@palmer-lake.org <mbeeson@palmer-lake.org>; ajurka@palmer-lake.org <ajurka@palmer-lake.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; news@krdo.com <news@krdo.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>; Meggan Herington <MegganHerington@elpasoco.com>  
**Subject:** Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



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- This is a personal email address.
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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

- 1.
- 2.
3. **A gas station is not a permitted use in C-1.**
4. Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which
5. the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store
6. definition's "may include retail sale of gasoline" covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1
7. requires, **this use is prohibited in C-1.**
- 8.

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

-

- 
- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation,
- [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.
- 
- 
- 
- Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing
- of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
- 
- 
- 
- Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not.
- What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.
- 

2.

3.

4. **The use does not meet the Code's "Convenience Store" definition.**

5. That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will

6. not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

7.

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it **"a destination, comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3.

4.

5. **The appeal's "similar use" fallback cannot rescue it either.**

6. Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an

7. allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1

8. would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation

9. comparisons do not change this: similar traffic does not override an express exclusion.

10.

4.

5.

6. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.**

7. Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed

8. to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves

9. the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined

10. to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes

11. C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each

12. with full notice and hearing.

13.

5.

- 6.
7. **The application is also unreliable on its face.**
8. Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators;
9. and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.
- 10.

I respectfully request that the Board:

- 1.
- 2.
3. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
- 4.
- 5.
- 6.
7. Recognize that a 120-position fuel facility
8. **is**
9. a gas station, which the Code excludes from C-1;
- 10.
- 11.
- 12.
13. Decide the appeal in public, on a full evidentiary record, with the community heard; and
- 14.
- 15.
- 16.
17. Require the applicant to use the proper public process — a rezoning to C-2 or a special-use / PUD review — with full notice and a
18. hearing.
- 19.

The public is entitled to be heard before a use that the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully  
Sherry MacDonald  
1441 Dark Pine Ct  
Monument, CO 80132  
El Paso County

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## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Thursday, July 9, 2026 12:49 PM  
**To:** Jessica Merriam  
**Subject:** Fw: Pleas DENY Buc-ee's appeal of administrative determination!



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

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**From:** Sheryll Robbins <sheryll.robbs@gmail.com>  
**Sent:** Thursday, July 9, 2026 12:19 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Pleas DENY Buc-ee's appeal of administrative determination!

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Hello El Paso County Board of Commissioners,

Let's talk about neighbors and neighborhoods. We live in the neighborhood of Woodmoor in Northern El Paso County. For the most part our neighborhood is quiet. We can hear the interstate and the train to the west of us when the wind is coming from the west. But other than that our neighborhood is ideally quiet. Also we are not overly burdened with bright lights.

Now a corporation named Buc-ee's has decided they want to become 'neighbors' with us. What do they bring to the neighborhood? Noise pollution in the form of increased traffic. Light pollution to our dark skies. Colossal water consumption when water resources are already gravely threatened by drought. Burdening the sewer system. And for what??? To attract tourist traffic to their retail space which would be bigger than our local Safeway and to their 120 gas pumps.

Tourists come to Colorado for our beautiful scenic mountains, skiing, hiking, biking, fishing, camping, and enjoying all that our great outdoors has to offer. Buc-ee's as a draw for tourists is a flash in the pan, a one and done. Once a tourist has seen one, there is no need to return.

Again I urge you to visit the Buc-ee's in Johnstown, CO. See for yourselves what a gigantic facility it is. Buc-ee's atop Monument hill would be such a grievous assault to our landscape up here with two stellar open spaces just to the north and the bucolic neighborhoods that are to the east and west of it. Ask yourselves wouldn't it be better suited to a well defined commercial area.

Which leads me to the El Paso County Master Plan. Our area is designated suburban/rural suburban development which means primarily residential or large lot residential. A Buc-ee's is not a residence nor a convenience store! It will not serve our community! It would dramatically drain business away from local businesses in the area.

This is an easy determination on your part board members! Buc-ee's does not meet the criteria for land use or zoning at their desired location. Tell them NO in no uncertain terms. Honor your commitment to the residents of Northern El Paso County and your commitment to the codes and zones of the master plan.

Sheryll Robbins

Woodmoor resident since 1998

P.S. If you haven't already read the thorough Buc-ee's Appeal Citizens Letter it follows.

Dear

Commissioners:

On

July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

- 1.
- 2.
- 3. A gas station**
- 4. is not a permitted use in C-1.**
5. Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which
6. the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store definition's "may include retail sale of gasoline"
7. covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires,
- 8. this**
- 9. use is prohibited in C-1.**
- 10.

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

- 
- 
- First, it
- argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental
- use." Their absence is irrelevant.
- 
- 
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- Second,
- the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
- 
- 
- 
- Third, it

- claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does,
- at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.
- 

2.

3.

4. **The use**

5. **does not meet the Code's "Convenience Store" definition.**

6. That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will

7. not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

8.

At the grand

opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it

**"a**

**destination," comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona*

*Republic*

reported that hotels nearest that store sold out for opening weekend, and the

*Arizona Daily Star* documented

customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According

to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates

**roughly**

**six million customers a year,**

with 88% traveling more than 20 miles to reach the store (City of Springfield official website;

*Springfield*

*Daily Citizen*).

A store

the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.



- 3.
- 4.
5. **The appeal's**
6. **"similar use" fallback cannot rescue it either.**
7. Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an
8. allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1
9. would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation
10. comparisons do not change this: similar traffic does not override an express exclusion.
- 11.

- 4.
- 5.
6. **This decision**
7. **belongs on a full public record — and the right path is a rezoning, not a reclassification.**
8. Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed
9. to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves
10. the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined
11. to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes
12. C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each
13. with full notice and hearing.
- 14.

- 5.
- 6.
7. **The application**
8. **is also unreliable on its face.**
9. Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators;

10. and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.
- 11.

I  
respectfully request that the Board:

- 1.
- 2.
3. Deny Buc-ee's
4. appeal and uphold the Director's July 1 determination;
- 5.
- 6.
- 7.
8. Recognize
9. that a 120-position fuel facility **is**
10. a gas station, which the Code excludes from C-1;
- 11.
- 12.
- 13.
14. Decide the
15. appeal in public, on a full evidentiary record, with the community heard; and
- 16.
- 17.
- 18.
19. Require
20. the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.
- 21.

The  
public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Thursday, July 9, 2026 3:48 PM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's is a "Beaver Themed TRAVEL CENTER"



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Steve De Seve <desevesteve@yahoo.com>  
**Sent:** Thursday, July 9, 2026 3:37 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koaa.com <Tony.Keith@koaa.com>; Noah.Caplan@koaa.com <Noah.Caplan@koaa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Buc-ee's is a "Beaver Themed TRAVEL CENTER"

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

THIS ARTICLE below states... BUC-EES is a "Beaver Themed TRAVEL CENTER" Not a convivence store.... El Paso Commissioners please read!

<https://www.msn.com/en-us/foodanddrink/foodnews/buc-ee-s-7-interesting-facts-about-the-beaver-themed-travel-center/ar-AA1YtQ4n?ocid=msedgntp&pc=HCTS&cvid=6a5008b526664be3b6c3cc573faff2ca&ei=20>

## Jessica Merriam

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**From:** Kylie Bagley  
**Sent:** Thursday, July 9, 2026 11:52 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner

Planning and Community Development

719.520.6323

[www.elpasoco.com](http://www.elpasoco.com)

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**From:** Steve De Seve <desevesteve@yahoo.com>  
**Sent:** Thursday, July 9, 2026 11:38 AM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTV News <news@kktv.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

1. **A gas station is not a permitted use in C-1.** Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store definition's "may include retail sale of gasoline" covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires, **this use is prohibited in C-1.**

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.
- Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
- Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120

fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.

2. **The use does not meet the Code's "Convenience Store" definition.** That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it **"a destination," comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3. **The appeal's "similar use" fallback cannot rescue it either.** Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1 would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation comparisons do not change this: similar traffic does not override an express exclusion.

4. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.** Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each with full notice and hearing.

5. **The application is also unreliable on its face.** Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators; and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
2. Recognize that a 120-position fuel facility **is** a gas station, which the Code excludes from C-1;
3. Decide the appeal in public, on a full evidentiary record, with the community heard; and
4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Furthermore, it does NOT serve our neighborhood and certainly does a disservice to our already established businesses. Allowing Bucee's at this location only serves Mr. Aplin's Texas-sized ego and bank account. Please deny the appeal.

Respectfully  
Steve de Seve  
1650 Outrider Way  
Monument, CO 80132

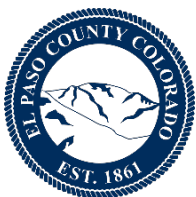


## Jessica Merriam

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**From:** Meggan Herington  
**Sent:** Friday, July 10, 2026 11:44 AM  
**To:** Jessica Merriam  
**Subject:** FW: Monument Hill ELPC side

Can you please add this to the appeal record comments.



**Meggan Herington, AICP**  
Executive Director  
El Paso County Planning and Community Development  
719-520-7941  
<https://planningdevelopment.elpasoco.com>

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**From:** Kellie Currie <amothersreflection@hotmail.com>  
**Sent:** Thursday, July 9, 2026 2:53 PM  
**To:** Meggan Herington <MegganHerington@elpasoco.com>  
**Subject:** Re: Monument Hill ELPC side

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> On Dec 16, 2025, at 3:08 PM, Meggan Herington <[MegganHerington@elpasoco.com](mailto:MegganHerington@elpasoco.com)> wrote:  
>

> Kellie, thank you for the email. Right now, no application has been submitted. Most land applications go before the Board of County Commissioners. Staff will be sure to post everything online so that the public has access to everything. You can check in periodically to determine any future land use applications in your area.

>  
> Thank you again, Meggan

>  
>  
>  
>  
> Meggan Herington, AICP  
> Executive Director  
> El Paso County Planning and Community Development  
> 719-520-7941  
> <https://planningdevelopment.elpasoco.com>  
>

>  
> -----Original Message-----  
> From: Kellie Chandler <[amothersreflection@hotmail.com](mailto:amothersreflection@hotmail.com)>  
> Sent: Tuesday, December 16, 2025 1:58 PM  
> To: Meggan Herington <[MegganHerington@elpasoco.com](mailto:MegganHerington@elpasoco.com)>  
> Cc: Kellie Chandler <[amothersreflection@hotmail.com](mailto:amothersreflection@hotmail.com)>; Grace <[woodmoor.writer@gmail.com](mailto:woodmoor.writer@gmail.com)>  
> Subject: Monument Hill ELPC side  
>  
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>  
> Please please help us citizens up north in El Paso County and County Line Road area.  
>  
> We have land there that was zoned in the 1950s and is being drastically developed today.  
>  
> It's one of those situations where the owners or heirs of this land didn't care or realize Monument Hill history.  
>  
> The east side was proposed as high density, dime sized "open space ". An entire day was spent in County Commission live streamed, and the citizens lost too much. The developer already hasn't kept his word.  
>  
> Too late now- no band aide and the land owners and developers know it.  
>  
> Also, on the west corner, (as all of the news has broadcasted nationwide), a very unwanted Texas company has proposed a flattening of the ridge, devastation of over 300 pine trees and water usage that is beyond comprehension.  
>  
> I am writing to you as a citizen that has been very frightened about fire safety and evacuation routes.  
>  
> The roads out of Palmer Lake will be bumper to bumper.  
>  
> Please please use this letter and your authority to stop anymore high density and corporate takeover of our Monument Hilltop.  
>  
> Please.  
>  
> Kellie Currie  
> Palmer Lake citizen  
>  
>  
>

## Jessica Merriam

---

**From:** steve draper <ssdraper@mac.com>  
**Sent:** Friday, July 10, 2026 11:37 AM  
**To:** Lauren Nelson; Bill Wysong; Cory Applegate; Holly Williams; Carrie Geitner; PCD Hearings; Ron Scott  
**Cc:** Meggan Herington; Kylie Bagley; trilakespreservation@gmail.com; dpshops@sbcglobal.net; Kenny Hodges  
**Subject:** Re: Buc-ee's EPCO, LLC — Appeal of the Planning and Community Development Director's Use-Classification Determination

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Commissioners / Meggan Herington / and Kylie Bagley :

First - Meggan and Kylie - please put this email into the official project record for the Buc-ee's appeal file and let me know if this is the place I need to submit to be on record for the future hearing. Thanks .

Members of the Board,

I respectfully urge you to **deny this appeal and uphold the Director's determination**. I believe the following reasons are simple, clear, and concise . Please note the argument reference numbers for the future hearing I will be attending.

**On this appeal, Buc-ee's carries the burden of affirmatively proving that its facility meets the Land Development Code's specific definition of a “convenience store.” Its own record proves the opposite.**

### **1. The burden is Buc-ee's — and the standard is a “yes,” not a “maybe.”**

A use-classification appeal is not something the County must win; it is something the applicant must win. Buc-ee's must demonstrate that its facility ***fits*** the defined, permitted use — not that it is **“close enough,” “similar to,” or “arguably like”** a convenience store. A permitted use must be affirmatively established. Where a use cannot be clearly classified as permitted, it is not permitted, and genuine doubt resolves against the applicant.

County staff, after reviewing the definitions, historical approvals, and a comparative analysis, found it **difficult to classify** the proposed use. That is not a neutral result. Under the correct standard, an

inability to clearly classify the use as permitted is itself a sufficient basis to deny the appeal. Buc-ee's needed to supply the Board a clear “yes.” It has not.

## **2. The definition contains a limiting principle Buc-ee's cannot satisfy: it must serve “the neighborhood.”**

The Code defines a convenience store as an establishment intended to serve “**the neighborhood in which it is located.**” That phrase is a functional test, not a description of size. The question is not whether the building is large or small — it is whom the use is designed to serve.

By its own evidence, Buc-ee's fails this test:

- **Scale.** The proposal is a 74,000-square-foot facility with 120 fueling positions — the largest format Buc-ee's builds anywhere in the country, matching the world-record Luling, Texas location, and roughly ten times the pumps and many times the floor area of an ordinary neighborhood convenience store.
- **Siting and marketing.** The facility is deliberately located at an interstate interchange and is marketed by its own developer as a regional destination that draws new customers and tax revenue from well beyond the local area. Buc-ee's nationally brands its locations as travel centers and destinations. A use designed and advertised to pull customers off I-25 from many miles away does not serve *its neighborhood* — it serves the interstate.
- **Its own revenue pitch.** In previously seeking annexation by the Town of Palmer Lake, Buc-ee's promoted the store's sales-tax revenue as a central benefit — a town-commissioned fiscal analysis projected roughly **\$950,000 to nearly \$1 million per year** in sales-tax revenue for a town of fewer than 3,000 residents. Critically, Palmer Lake's sales tax **excludes gasoline sales** — so that revenue reflects *non-fuel merchandise* alone, implying retail sales on the order of tens of millions of dollars per year. (The annexation was ultimately withdrawn after community opposition, and Buc-ee's then purchased the unincorporated County site now at issue.) A neighborhood convenience store does not generate that kind of non-fuel sales volume; a regional destination does. In its own words, to another government body, Buc-ee's described its use as a regional revenue generator.

Buc-ee's own destination marketing, its scale, and its regional-draw projections affirmatively establish that this facility is not neighborhood-serving. In other words, **the appellant's own record defeats its appeal.**

## **3. The County's own approved benchmark for this location proves the point.**

The Board does not have to imagine what a genuine neighborhood convenience store looks like on this ground — the County has already decided it. The adjacent parcel, zoned **Commercial Community (C-C)**, was approved for a Maverik convenience store/gas station — a store of the size these operators typically build in this region, which for Maverik and comparable chains along the Front Range is generally in the neighborhood of **5,000 square feet**. That approval is a County-endorsed benchmark of what this use looks like at this location.

By contrast, the proposed Buc-ee's is roughly **74,000 square feet — on the order of fifteen times the floor area** of a typical regional Maverik — with 120 fueling positions — Buc-ee's maximum format nationwide. The fact that Maverik ultimately elected not to build does not diminish the comparison — indeed, it sharpens it: Maverik abandoned the site because CDOT's access restrictions on County Line Road made even a modest store unworkable, a constraint that bears directly on the far larger facility now proposed (see Section 7). The approved plan still reflects the County's own judgment of the scale and

character associated with a convenience-store use here. Placed side by side, the approved Maverik store and the proposed Buc-ee's are not the same kind of thing — one is a neighborhood-serving store; the other is a regional interstate destination roughly fifteen times its size. **Scale here is not cosmetic; it is evidence that the use has crossed the line the definition draws.**

*(Note: this refers to the convenience-store use approved on the vacant C-C parcel adjacent to the Buc-ee's site — not the separate, existing Maverik store operating elsewhere in Monument.)*

This benchmark also frames the decision fairly for the Board: denying Buc-ee's is not hostility to convenience stores or to development. The County can approve — and did approve — a real neighborhood convenience store on this very ground. The issue is only that Buc-ee's is not that use.

#### **4. The Code's own classification test — “intensity” — and its dedicated regional-commercial zone both place this use outside “convenience store.”**

Two features of the Code itself resolve this classification, and both cut against Buc-ee's.

**First, the Code makes intensity a classification criterion.** Where a use is not separately listed, the Code directs that similar uses fall within a category of use “by character, descriptor, and **intensity**.” Intensity is therefore not a policy argument opponents are raising from outside the Code — it is a factor the Code expressly commands the Director to weigh. A 74,000-square-foot facility with 120 fueling positions, drawing regional and interstate traffic, is of a categorically different *intensity* than a convenience store, and the Code requires that difference to control the classification.

**Second, the Code already has a category for exactly this kind of use — and it is not “convenience store.”** The Commercial Regional (CR) district exists specifically “to accommodate regional centers.” By contrast, both the C-1 convenience-store use and the adjacent C-C district are framed around neighborhood service — the C-C district is expressly intended for establishments that “primarily serve adjoining neighborhoods.” The Code thus draws a clear line between neighborhood-serving commercial uses and regional centers, and it places them in different categories. A regional interstate destination belongs on the regional side of that line. An applicant cannot escape the more-specific, regional classification simply by volunteering into the broader, neighborhood-serving “convenience store” category. The specific governs the general.

**Third, the proportions of the facility show that fuel — not neighborhood retail — is the primary use.** The Code's convenience-store definition permits gasoline sales, but as an accessory to the store's neighborhood retail function. Here that relationship is inverted. The fuel operation — 120 fueling positions under multiple canopies, underground fuel storage that at comparable Buc-ee's locations has been permitted at roughly a quarter-million gallons or more (on the order of eight times the total capacity of a typical gas station), and multiple tanker deliveries every day — is the dominant physical and operational feature of the site. Where fuel is the primary use and retail the accessory, the facility is functionally a gas station at minimum — a use the C-1 district does not allow. A convenience store may sell gasoline; a fuel facility of this magnitude does not become a convenience store by attaching a retail building.

The process contrast reinforces this. A genuine convenience-store use on the adjacent lot was approved through the C-C process. Buc-ee's — a facility many times larger — now seeks to have its use resolved through an **administrative use-determination on the C-1 parcel**, a path that, by the County's own description, does not involve a public hearing. Even the smaller store went through the front door; the far larger one should not be permitted to enter through the side.

## 5. The facility now incorporates the adjacent C-C parcel — so it must be reviewed as one development.

Buc-ee's owns the adjacent parcel that was approved, under C-C zoning, for a Maverik convenience store, and that parcel is now part of the Buc-ee's site. This is not a facility that happens to sit next to another lot; it is a single integrated development that now spans two differently-zoned parcels — a C-1 parcel and a C-C parcel whose approved neighborhood-serving use has effectively been absorbed into a far larger regional one.

A development of that nature cannot properly be classified as a “convenience store” on the C-1 parcel in isolation. It should be evaluated as one unified development through the appropriate process, with the purposes and permitted uses of *both* districts considered — including the C-C district's express limitation to uses that “primarily serve adjoining neighborhoods.” Resolving the use of an integrated, multi-parcel interstate destination through a single-parcel administrative determination understates what is actually being approved and sidesteps the review such a project warrants.

## 6. Buc-ee's own arguments do not carry its burden.

Buc-ee's has offered several reasons it should be classified as a convenience store. None survives scrutiny:

- **“The interstate is part of our neighborhood.”** Buc-ee's argues that because the Code's definition of “neighborhood” references the surrounding roadway network, its location on I-25 makes the interstate part of the neighborhood it serves. This reading would erase the definition's limiting principle entirely: if fronting a major highway means a use “serves the neighborhood,” then *every* use on *every* road is neighborhood-serving, and the requirement means nothing. A roadway may help *define the boundaries* of a neighborhood; it does not convert a facility designed to capture interstate travelers into one that serves the residents around it. The test is whom the use is designed to serve, and Buc-ee's own destination marketing answers that question.
- **“No repair bays, oil changes, or car wash, so we're not a gas station.”** The absence of a few automotive services does not make a 120-position, 74,000-square-foot regional fuel-and-retail destination a neighborhood convenience store. It simply means it is not one particular sub-type of automotive use. The relevant distinction the Code draws is between neighborhood-serving and regional-serving uses — and on intensity, scale, and design, this facility falls on the regional side regardless of whether it changes oil. Moreover, the absence of repair services does not answer the primary-use question: with 120 fueling positions, storage tanks many times a normal station's capacity, and daily multi-tanker deliveries, fuel is the dominant use of this site, and the retail building is the accessory — the inverse of what the convenience-store definition contemplates.
- **“Most of our revenue comes from retail, not fuel.”** Zoning classifies uses by their physical character, function, and impacts on the surrounding land — the Code directs review of “function, performance characteristics and location requirements” — not by an applicant's revenue mix, which is invisible to the neighborhood and could change every quarter. What the neighborhood and road network experience is the fuel operation: 120 fueling positions, two canopies, industrial-scale tank storage, and daily tanker deliveries. And the argument defeats itself either way: if fuel dominates, the facility is functionally a gas station, which C-1 does not allow; if retail dominates, then by Buc-ee's own numbers it is a regional retail destination generating tens of millions of dollars in annual merchandise sales — the Palmer Lake fiscal analysis projected nearly \$1 million per year in sales tax from non-fuel sales alone — which belongs in the Code's regional-commercial category, not “convenience store.” Nor can Buc-ee's claim fuel is incidental while

proposing the largest fuel installation it builds anywhere in the country. **Either way, the use is not neighborhood-serving** — the only thing the definition requires.

- **“Community-serving amenities” and “emergency refuge.”** EV chargers, a bicycle plaza, open space, and the possibility of sheltering during an emergency are features many large commercial destinations offer; they do not change the fundamental character or intensity of the use. A regional destination does not become neighborhood-serving because it includes amenities. Additionally - the proposed area is the most dangerous and highest point between Colorado Springs and Denver - and especially during winter - will predispose **MORE** accidents to occur because of the much higher traffic volumes that Buc-ee's **own traffic study** projects.

Because Buc-ee's bears the burden, it is not enough to offer arguments that the use **could** be viewed as a convenience store. It must show the use **is** one under the definition. Its own evidence shows the opposite.

## 7. The supporting record all points the same direction.

Every factual concern below is not a separate argument — each is additional evidence from Buc-ee's own operations that this is a regional fuel-and-retail destination, not a neighborhood convenience store:

- **Traffic scale.** Applying the same ITE trip-generation methodology the County uses, a facility with 120 fueling positions and 74,000 square feet generates traffic an order of magnitude greater than a typical neighborhood convenience store. Studies have found standard ITE rates can **understate** trips at large sites of this type.
- **An incomplete traffic study.** The traffic study submitted with the appeal does not account for fuel-tanker delivery traffic — a defining, high-volume feature of a 120-position fueling operation. The Code's compatibility factors (**traffic, noise, vibration, dust**) cannot be found satisfied on a record that omits this impact.
- **Fuel storage scale.** A typical convenience gas station operates two to three underground storage tanks totaling roughly 30,000 gallons. Buc-ee's 104-position location in Florida — smaller than the 120 positions proposed here — was permitted with two 120,000-gallon underground tanks: 240,000 gallons, roughly eight times a normal station's total capacity — and site-specific figures for the Monument proposal should be disclosed and evaluated **before** any classification is made. Storage of that magnitude is industrial-scale fuel infrastructure, not the incidental fuel component of a neighborhood store.
- **Tanker frequency.** Buc-ee's own fuel distributor has publicly stated that its high-volume stores receive **multiple tanker deliveries every day** — versus roughly **two to four deliveries per week** at an ordinary convenience store. That is a fundamentally different, and heavier, traffic character - and - turning onto a rural collector road described below.
- **CDOT access restriction forces all heavy traffic onto Beacon Lite Road.** The site has essentially two frontages: County Line Road and Beacon Lite Road. CDOT, which controls access near the I-25 interchange, does not allow access on County Line Road for approximately 550 feet from the property's east side — a constraint significant enough that Maverik abandoned its approved convenience store on the adjacent parcel for that very reason. If access limitations defeated a ~5,000-square-foot neighborhood store, a facility fifteen times that size — with 120 fueling positions, daily multi-tanker fuel deliveries, and roughly 790 parking spaces — cannot resolve them except by routing its heaviest traffic onto Beacon Lite Road, a rural, residential-serving collector. A “neighborhood-serving convenience store” whose only available truck route runs its industrial-scale deliveries through the neighborhood it claims to serve is a **contradiction**



**in terms.** The Board **should require the CDOT access documentation** and a truck-routing analysis to be placed in the record before any classification is made — particularly because the submitted traffic study is **silent** on this traffic entirely.

- **Beacon Lite Road's character. Beacon Lite Road's character — and reclassification as admission.** Beacon Lite Road is a rural, residential-serving road; its southern portion carries a rural connector classification. Prior planning analysis for this same project already predicted that this development would drive the road's reclassification from a local road toward an arterial. That prediction is itself dispositive: road classifications describe the traffic a road is meant to carry, and a genuine neighborhood convenience store does not require reclassifying the neighborhood's road — by definition, its traffic fits the roads the neighborhood already has. If this project's viability depends on re-engineering Beacon Lite Road to **arterial capacity to carry its tankers and trucks, then by the County's own engineering standards the use is not a neighborhood use.** The applicant cannot classify the store as neighborhood-serving while requiring the neighborhood's road to be reclassified to serve it. And this is a change in kind, not routine development improvement: paving, curbs, and drainage upgrade a road within its classification; a functional reclassification to arterial changes what the road is — **an admission that the corridor's traffic character is being transformed by this use.**

- **Conclusion**

The Board need not find any fact against Buc-ee's to deny this appeal. It need only hold Buc-ee's to its burden and apply the Code as written. The defined use is **neighborhood-serving**; the Code makes **intensity** a classification criterion and provides a separate **regional-commercial** category for exactly this kind of destination; the County's own approved benchmark for this location is a store roughly one-fifteenth the size; Buc-ee's own evidence proves this facility is a regional interstate destination; and staff could not classify it as a permitted use. On that record, the appeal fails.

Finally, the Board's decision on this appeal is a quasi-judicial determination that must be supported by the record and by a correct application of the Code's definitions. A classification that stretches **"neighborhood-serving convenience store" to cover the largest travel-center format in the applicant's national portfolio** — on a record whose traffic study **omits** the project's heavy-vehicle impacts entirely — would be difficult to sustain under the standards that govern review of such decisions.

I ask the Board to **deny the appeal and uphold the Director's determination**, leaving Buc-ee's to pursue a rezoning application with the full public hearing and analysis a project of this scale warrants. Let them build a 5,000 sq foot station on the C - C lot !

Respectfully submitted,

Steve Draper

Colorado Estates Monument area resident / El Paso County



## Jessica Merriam

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**From:** Kylie Bagley  
**Sent:** Thursday, July 9, 2026 11:52 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

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**From:** Tammy Barber <thbarber18@gmail.com>  
**Sent:** Thursday, July 9, 2026 11:13 AM  
**To:** Bill Wysong <BillWysong@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; Minority Leader Jarvis Caldwell <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; eharris@palmer-lake.org <eharris@palmer-lake.org>; rmoseley@palmer-lake.org <rmoseley@palmer-lake.org>; jmarble@palmer-lake.org <jmarble@palmer-lake.org>; mbeeson@palmer-lake.org <mbeeson@palmer-lake.org>; ajurka@palmer-lake.org <ajurka@palmer-lake.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTv News <news@kktv.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners,

I am writing to formally request that the Board of County Commissioners deny Buc-ee's recent appeal and uphold the July 1, 2026, administrative determination issued by the Planning and Community Development Director. The Director correctly concluded that this massive, 30-plus-acre interstate travel plaza cannot be legally categorized as a "Convenience Store" under the El Paso County Land Development Code (LDC).

This matter is not an evaluation of Buc-ee's business model or its potential benefits. Instead, it is a strict question of code compliance. According to Table 5-1 of the LDC, a "Gas Station" is explicitly permitted in heavy commercial and industrial zones—specifically CC, CR, CS, C-2, and M districts—but it is entirely omitted from the C-1 zoning district. Under sections 1.6.6 and 5.3.6(C)(2), the deliberate listing of a use in certain districts legally serves as an automatic exclusion from any district where it is not listed. A massive facility featuring 60 fuel dispensers and 120 individual fueling positions is, by any literal definition under section 1.15, a gas station.

The developer's appeal attempts to distort the LDC's definitions by introducing criteria that do not exist in our regulations. The LDC does not state that a facility must offer mechanical repairs, oil changes, or car washes to qualify as a gas station; section 1.15 merely identifies those as optional, incidental uses. Furthermore, the developer's claims that a gas station requires a "primary orientation toward fueling" or must "limit retail sales to vehicle accessories" are fabrications missing entirely from the code text. What defines a gas station under our laws is the retail sale of motor vehicle fuel—an activity Buc-ee's operates on a massive regional scale.

Additionally, the project fails to meet the foundational criteria of a "Convenience Store." Section 1.15 explicitly mandates that a convenience store must serve "the neighborhood in which it is located," which the LDC defines as a primarily residential area. Buc-ee's is a cross-country tourist attraction, not a neighborhood shop. Company metrics from locations like Springfield, Missouri, confirm that nearly 88% of their 6 million annual customers travel more than 20 miles to visit. During the recent opening of their identical Goodyear, Arizona site, company leadership publicly compared the store to Disney World, pulling in travelers from multiple states who booked out local hotels. CBS News calls it the ultimate Road not neighborhood store.<sup>9</sup> <https://www.cbsnews.com/news/how-buc-ees-became-the-gateway-to-the-great-american-road-trip/>. Stretching the term "neighborhood" to include an entire interstate transit corridor is an absurd misinterpretation of the code.

The applicant's fallback argument—seeking a "similar use" interpretation under section 5.3.6.C.1—is legally unavailable here. Section 5.3.6(E) strictly prohibits any administrative interpretation that waives established standards, conflicts with a district's stated purpose, or introduces a use that the code already explicitly regulates and restricts elsewhere. The "similar use" clause is meant for unlisted business models, not to sneak an explicitly banned gas station into a neighborhood commercial zone.

An administrative appeal is the wrong mechanism for a development of this scale. The county previously noted in February 2026 that determining classifications for high-impact projects requires robust public oversight. Reversing the Director's decision based solely on the applicant's flawed paper submissions—which contain factual errors regarding C-1 allowed uses, inconsistent footprint calculations, and incorrect landscaping percentages—would violate proper procedure. If the applicant wishes to build a regional interstate hub, they must follow the appropriate public path: applying for a formal rezoning to a C-2 district or pursuing a Special Use/PUD review, complete with a noticed public evidentiary hearing where the community can be heard.

I urge the Board to protect the integrity of our zoning maps, support our planning staff's accurate reading of the law, and deny this appeal.

Respectfully submitted,

Jason and Tammy Barber

1961 Wagon Gap Trail

Monument, CO 80132

Additionally, I cannot attend the July 13th meeting because I will be out of town for work. Please document this for the record.

## Jessica Merriam

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**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 8:30 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Uphold the directors July 1 determination and deny Buc-ee's s appeal



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

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**From:** teresa dempsey <teresamckoon@hotmail.com>  
**Sent:** Wednesday, July 8, 2026 5:01 AM  
**To:** Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>  
**Subject:** Uphold the directors July 1 determination and deny Buc-ee's s appeal

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### This message needs your attention

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Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

1. **A gas station is not a permitted use in C-1.** Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store definition's "may include retail sale of gasoline" covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires, **this use is prohibited in C-1.**

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.
  - Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
  - Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.
2. **The use does not meet the Code's "Convenience Store" definition.** That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it **"a destination," comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3. **The appeal's "similar use" fallback cannot rescue it either.** Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1 would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation comparisons do not change this: similar traffic does not override an express exclusion.
4. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.** Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each with full notice and hearing.
5. **The application is also unreliable on its face.** Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators; and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
2. Recognize that a 120-position fuel facility **is** a gas station, which the Code excludes from C-1;
3. Decide the appeal in public, on a full evidentiary record, with the community heard; and
4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Teresa Dempsey  
19440 Beacon Lite Rd  
Monument CO 80132  
Sent from my iPhone

## Jessica Merriam

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**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 8:26 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
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**From:** terreswim77@gmail.com <terreswim77@gmail.com>  
**Sent:** Tuesday, July 7, 2026 4:58 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; eharris@palmer-lake.org <eharris@palmer-lake.org>; rmoseley@palmer-lake.org <rmoseley@palmer-lake.org>; jmarble@palmer-lake.org <jmarble@palmer-lake.org>; mbeeson@palmer-lake.org <mbeeson@palmer-lake.org>; ajurka@palmer-lake.org <ajurka@palmer-lake.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; news@krdo.com <news@krdo.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

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A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3. **The appeal's "similar use" fallback cannot rescue it either.** Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1 would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation comparisons do not change this: similar traffic does not override an express exclusion.
4. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.** Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each with full notice and hearing.
5. **The application is also unreliable on its face.** Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators; and a landscaping requirement misstated as 5% when the Code requires more. A record

this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
2. Recognize that a 120-position fuel facility **is** a gas station, which the Code excludes from C-1;
3. Decide the appeal in public, on a full evidentiary record, with the community heard; and
4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully,

Terre Christensen

"A smooth sea never made a skilled sailor."

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 8:30 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 - request to deny



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** terreswim77@gmail.com <terreswim77@gmail.com>  
**Sent:** Wednesday, July 8, 2026 7:22 AM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; eharris@palmer-lake.org <eharris@palmer-lake.org>; rmoseley@palmer-lake.org <rmoseley@palmer-lake.org>; jmarble@palmer-lake.org <jmarble@palmer-lake.org>; mbeeson@palmer-lake.org <mbeeson@palmer-lake.org>; ajurka@palmer-lake.org <ajurka@palmer-lake.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; tony.keith@koa.com <tony.keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; news@krdo.com <news@krdo.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Buc-ee's Appeal of Administrative Determination ADM264 - request to deny

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Commissioners,

The question before you is **Does the Buc-ee's proposal comply with the Land Development Code as written?**

The answer is no.

Buc-ee's asks the Board to classify a **74,000-square-foot travel center with 120 fuel positions and nearly 800 parking spaces** as a neighborhood convenience store. That stretches the ordinary meaning of "convenience store" beyond recognition.

The county's own approval history demonstrates why. Existing convenience stores in El Paso County are a fraction of this size, with far fewer fuel pumps and parking spaces. This proposal is not simply a larger version of an allowed use—it is a fundamentally different land use in both scale and intensity.

The C-1 district was intended for neighborhood-serving commercial uses. This project is designed to attract travelers from across the region on Interstate 25, not residents of the surrounding community. Its primary purpose is serving highway traffic.

Location matters.

Monument Hill is characterized by rural residential neighborhoods, protected open space, and the Greenland wildlife corridor. The proposed site sits at the edge of a landscape where residents have deliberately chosen a different pattern of development than exists farther south along the interstate.

Approving this project as a "convenience store" would establish a precedent with no meaningful limiting principle. If this proposal qualifies, what would not? At what point does a convenience store become a regional travel center? The Land Development Code provides no indication that the Board should erase those distinctions.

If the existing code does not clearly authorize a project of this magnitude, the proper course is not to redefine the use. The proper course is the public legislative process—a rezoning, Planned Unit

Development, or other discretionary review—where the impacts can be fully evaluated and the public has meaningful participation.

No one is suggesting Buc-ee's should never build in El Paso County. The question is whether this project belongs on this site under this zoning.

The Planning Director correctly concluded that the administrative process could not resolve that question. The appropriate response is not to force a classification that the code does not support, but to require the applicant to pursue the review process intended for projects of this size and regional impact.

For these reasons, I respectfully ask the Board to deny the appeal and require any future application to proceed through the appropriate discretionary land-use process.

Sincerely,

Terre Christensen  
Monument

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 1:15 PM  
**To:** Jessica Merriam  
**Subject:** Fw: Buccees



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Thomas Janeczek <tjaneczek59@gmail.com>  
**Sent:** Wednesday, July 8, 2026 11:40 AM  
**To:** Kylie Bagley <KylieBagley@elpasoco.com>  
**Subject:** Buccees

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I understand that you're the project manager for the monstrosity called buccees. Trying to be called a "convenience store" borders on the absolutely ludicrous. I am a resident of the neighborhood that will be most affected and none of my neighbors will shop at this "convenience store" if it gets built. So it kind of destroys the argument that it is there to serve the local neighborhood. A convenience store is the size of 7-11 or a maverick not the size of a Walmart super center. Since none of us that live closest to it, the only people stopping there are the people on the freeway which is what they want anyway. Not to mention the eyesore that it will be with a giant sign and lighting that will disrupt the wildlife movement in the open space just to the north. Please do not reclassify this as a convenience store as it is nothing of the sort. Thank you for your time.  
Sent from outer space.

## Jessica Merriam

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**From:** Kylie Bagley  
**Sent:** Thursday, July 9, 2026 8:49 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Request to Deny Buc-ee's Appeal of Administrative of Determination ADM264 and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
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---

**From:** Tim Beichley <tbeichley@gmail.com>  
**Sent:** Thursday, July 9, 2026 7:11 AM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; Laura Kronick <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>  
**Subject:** Request to Deny Buc-ee's Appeal of Administrative of Determination ADM264 and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners:

I am writing to urge you to reject Buc-ee's appeal of Administrative Determination ADM264 and affirm the Planning and Community Development Director's July 1, 2026 decision. In that determination, the Director correctly declined to classify the proposed Buc-ee's — a large interstate travel center on more than 30 acres — as a permitted "Convenience Store" in the C-1 zoning district, finding that the use could not properly be determined to qualify under the County's Land Development Code.

This appeal is not really about whether Buc-ee's is popular or whether some people may want it in the area. The issue before you is much narrower: whether this specific project is allowed under the County's existing Code. The answer is no.

**1. The proposed Buc-ee's is a gas station, and gas stations are not permitted in C-1.**

Table 5-1 allows "Gas Station" in the CC, CR, CS, C-2, and M zoning districts, but not in C-1. Sections 1.6.6 and 5.3.6(C)(2) make clear that when a use is expressly listed in certain districts but omitted from another, that omission means the use is excluded from the district where it does not appear. A development with 60 dispensers and 120 fueling positions is, by any common-sense and Code-based reading, a gas station.

The Code separately defines and separately lists "Convenience Store" and "Gas Station." That distinction matters. The fact that a convenience store definition says it may include retail gasoline sales does not erase the Code's separate category for gas stations or permit a use in C-1 that the Code deliberately chose not to allow there. The plain-language interpretation required by § 1.6.1 leads to only one conclusion: this use is prohibited in C-1.

The appeal repeats the same flawed reading of the gas station definition that appeared in the original request. First, it argues that Buc-ee's cannot be considered a gas station because it will not offer repairs, oil changes, accessory installation, or car washing. But § 1.15 does not require those services. It only says a gas station *may* include them as incidental uses. Whether they are present or not is beside the point. Second, the appeal introduces a supposed requirement that a gas station must be "primarily oriented" toward fuel sales and vehicle service, even though that language appears nowhere in § 1.15. Third, it asserts that the gas station definition limits retail sales to incidental vehicle accessories, which it does not. What the Code actually identifies as the defining feature is the retail sale of gasoline and diesel for vehicles. That is plainly what Buc-ee's proposes to do — on an enormous scale, with 120 fueling positions. Under the Code as written, it is a gas station, and gas stations are not allowed in C-1.



## **2. The project does not fit the Code’s definition of a convenience store.**

The Code defines a convenience store in § 1.15 as a business serving “the neighborhood in which it is located,” and it defines “neighborhood” as “primarily residential areas.” Buc-ee’s claims this development would serve the surrounding neighborhood, but the facts show otherwise. This is not a local convenience business aimed at nearby residents. It is a major regional and interstate destination.

The company’s own statements about similar locations confirm that point. At the opening of Buc-ee’s Goodyear, Arizona travel center — a location comparable in size to the one proposed here, with approximately 74,000 square feet, 120 fueling positions, and an estimated 165 toilets — a Buc-ee’s store-opening manager described the location as “a destination” and compared it to Disney World (Arizona Daily Star, June 22, 2026). The Arizona Republic reported that hotels closest to that store sold out during opening weekend, and the Arizona Daily Star documented customers traveling from places such as Oregon and Minnesota, with parking lots full of out-of-state plates from Nevada and California. Buc-ee’s has also reportedly told the City of Springfield, Missouri that its stores can attract around six million customers annually, with 88% traveling more than 20 miles to visit (City of Springfield official website; Springfield Daily Citizen).

A store promoted as a multi-state attraction and drawing visitors from hundreds of miles away is not serving “the neighborhood in which it is located.” The appeal attempts to solve this problem by effectively redefining the interstate corridor as the “neighborhood,” but that is not what the Code says.

## **3. The appeal cannot be saved by the “similar use” argument.**

As a fallback, Buc-ee’s argues that its proposal should be treated as a “similar” allowed use under § 5.3.6.C.1. That argument fails as well. Section 5.3.6(E) places clear limits on interpretation. It states that no interpretation may authorize a use in a zoning district unless the use is substantially similar to an allowed use, may not permit a use that is inconsistent with the district’s statement of purpose, and may not have the effect of amending, waiving, or undoing another Code requirement. Reclassifying a gas station as an allowed use in C-1 would do exactly what the Code forbids: it would override the express exclusion of gas stations from that district.

The “similar use” provision is intended for uses the Code has not specifically listed. Here, “Gas Station” is specifically listed — and specifically omitted from C-1. That should end the matter. Traffic comparisons offered by the applicant do not change that result. Even if another use generated similar trips, comparable traffic volumes cannot nullify an express zoning exclusion.

## **4. This matter should be decided on a full public record, and the appropriate route is rezoning or special review.**

Classifying a proposed use for a particular parcel by applying Code definitions to the facts is not a ministerial checkbox exercise. It is a discretionary and quasi-judicial decision. Section 5.3.6(B) itself describes the process as an “analysis and comparison of various code provisions ... as opposed to a nondiscretionary review.” The County also stated in February 2026 that “a public hearing is required to determine the use classification” for a project like this.

The questions raised by this appeal are substantial: whether a development of this scale serves a neighborhood, what traffic and water impacts it would create, and whether it belongs in a district intended for smaller-scale commercial activity. Those are not issues that should be resolved solely through the applicant's paperwork. They should be addressed publicly, on an evidentiary record, with meaningful community participation.

If the Board is even considering overturning the Director's decision, such a reversal should not occur based only on written submissions from the applicant. A project of this size and impact deserves a noticed public evidentiary hearing. And because the Code distinguishes between C-1, intended for "commercial activities" under § 4.4.1, and C-2, intended for "large commercial activities" under § 4.4.4 — while allowing gas stations in C-2 but not C-1 — the proper avenue for this proposal is rezoning to C-2 or pursuing special-use or PUD review, each of which includes public notice and hearing.

#### **5. The application itself contains numerous inaccuracies.**

Aside from the larger legal and zoning issues, the record is not reliable on its face. It repeatedly misstates both the Code and factual matters. For example, it includes what it describes as a complete list of allowed C-1 uses while omitting Convenience Store — the very category the applicant claims applies. It also relies on fuel-footprint percentages calculated using inconsistent denominators, and it cites a landscaping requirement of 5% when the Code requires more. These kinds of errors only reinforce why the Director's determination should stand and why this matter should be tested through a full public process rather than reversed on appeal.

For these reasons, I respectfully ask the Board to:

- 1. Deny Buc-ee's appeal and affirm the Director's July 1 determination;**
- 2. Acknowledge that a facility with 120 fueling positions is a gas station, which the Code excludes from C-1;**
- 3. Ensure that any decision is made publicly, on a full evidentiary record, with community input; and**
- 4. Require the applicant to pursue the appropriate public process, such as rezoning to C-2 or obtaining special-use or PUD approval, with full notice and hearing.**

The public should not be shut out while a use expressly excluded from C-1 is approved through the back door of administrative reinterpretation. This proposal does not serve our neighborhood, and it does nothing to support the businesses already established here. Placing Buc-ee's at this location would benefit the applicant far more than the surrounding community. I urge you to deny the appeal.

Respectfully,

**Tim Beichley**

19834 Kershaw Ct.  
Monument, CO 80132

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 8:29 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Public Comment Records for ADM-264



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** TPI Secretary <secretary@trilakespreservation.org>  
**Sent:** Tuesday, July 7, 2026 9:07 PM  
**To:** Meggan Herington <MegganHerington@elpasoco.com>  
**Cc:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; Shawn Sawyer <president@trilakespreservation.org>; Mary Scott <treasurer@trilakespreservation.org>; Matt Beverly <vicepresident@trilakespreservation.org>; Angela Fike <communityoutreach@trilakespreservation.org>  
**Subject:** Public Comment Records for ADM-264

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Director Herington,

In response to Buc-ee's request for an administrative determination, Tri-Lakes Preservation (TPI) and Integrity Matters were copied on nearly 200 emails submitted by members of the public expressing their views on the application. However, the unofficial record available through EDARP for ADM-264 appears

to contain less than half of these the number of public comments that we have been copied on. Notably, even the formal comment letter submitted by the Tri-Lakes Preservation Board does not appear to be included in the publicly available record.

Multiple community members have contacted us directly to report that they submitted comments to the County and received acknowledgement responses from Ms. Linhares and/or Commissioner Williams, yet their submissions do not appear among the documents currently available through EDARP under ADM-264.

Additionally, there appear to be communications within the ADM-264 EDARP record that relate to the separate Boundary Line Adjustment application (EXBL261) rather than the administrative use determination itself. This raises further questions regarding how documents are being categorized and maintained within the public record.

These circumstances raise important questions regarding the completeness and accuracy of the record:

- Why is there a discrepancy between the number of comments submitted and the number appearing in the EDARP file?
- Are there categories of communications that are intentionally excluded from the publicly available record?
- If comments were received by County staff or elected officials but are not visible in EDARP, where are those communications being maintained?
- Why do documents related to other applications, such as the Boundary Line Adjustment, appear to be included within the ADM-264 file while comments specifically addressing ADM-264 appear to be absent?
- What process exists to ensure that all public comments received regarding this application become part of the official record?

These questions are particularly important now that Buc-ee's has appealed the administrative determination to the Board of County Commissioners and members of the public continue to submit comments, which should officially become a part of the record, in anticipation of future proceedings. Public confidence in the process depends on confidence in the record. Community members deserve assurance that comments submitted to County staff, Planning and Community Development, and members of the Board are being properly preserved, accounted for, and made available as part of the administrative record regardless of whether those comments support or oppose the application. Accordingly, I respectfully request clarification regarding the County's procedures for collecting, maintaining, and publishing public comments associated with ADM-264 and the pending appeal, including how the public can verify that their submissions have been received and included in the record. Thank you for your time and attention to this matter.

Very Respectfully,

Grace Foy



Tri-Lakes Preservation, Inc. (TPI)

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Monday, July 13, 2026 9:14 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Opposition to Convenient Store Classification



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** tshook17@gmail.com <tshook17@gmail.com>  
**Sent:** Sunday, July 12, 2026 4:36 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Opposition to Convenient Store Classification

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Members of the El Paso County Board of County Commissioners, Meghan Herrington,

I respectfully submit this letter to express my continued concerns regarding the proposed Buc-ee's development at Monument Hill and the related applications currently before El Paso County.

Over the past two years, residents throughout the Tri-Lakes region have consistently voiced concerns regarding the scale, location, water demands, traffic impacts, environmental consequences, and overall compatibility of this project with the character of northern El Paso County. The materials submitted into the public record demonstrate that these concerns are neither isolated nor recent. They represent a sustained and widespread response from residents who believe this proposal is fundamentally incompatible with the Monument Hill corridor.

Buc-ee's should not be characterized as a convenience store. It is a massive interstate travel center consisting of approximately 74,000 square feet of retail and restaurant space and approximately 120 fueling positions. This scale far exceeds what most residents envision when they hear the term "convenience store."

The proposed development would function as a regional destination designed to attract thousands of vehicles daily. Its impacts would include increased traffic, noise, light pollution, fuel emissions, water consumption, and pressure on local infrastructure. Such a facility is fundamentally different from a neighborhood convenience store and should be evaluated accordingly.

While much public attention has focused on whether a formal Buc-ee's application has been filed, many residents remain concerned that related land-use actions, water-right

transfers, boundary adjustments, and well applications may facilitate the eventual development of a project that has already generated substantial public opposition. Equally concerning is the appearance of overlapping relationships among individuals involved in land-use decisions, consulting activities, and project advocacy. Whether or not any actual conflict exists, public confidence in the process depends upon transparency, disclosure, and the avoidance of circumstances that create an appearance of impropriety. Residents deserve assurance that all decisions are being evaluated solely on the merits of the application and in accordance with county regulations.

Of particular importance is the long-term protection of water resources within the Denver Basin aquifer system. Water is not merely another development consideration in northern El Paso County; it is the limiting factor that will determine the sustainability of future growth. Any proposal that could affect groundwater availability warrants the highest level of scrutiny and public review.

The Monument Hill interchange serves as more than a commercial opportunity. It is a gateway to our communities and a critical transportation corridor connecting Palmer Lake, Monument, Woodmoor, and surrounding neighborhoods. Many residents believe that introducing a development of this magnitude—including a large-scale travel center with extensive fueling operations—would permanently alter the character of the area and create impacts that far outweigh any perceived benefits.

I respectfully request that the Board ensure complete transparency throughout every stage of review, require strict compliance with all county regulations and water requirements, carefully evaluate any potential conflicts or appearances of conflicts, and give substantial weight to the concerns repeatedly expressed by residents throughout the Tri-Lakes region.

The public's trust in county government depends not only on the final decision but on the integrity, openness, and fairness of the process that leads to it.

Thank you for your consideration and for your service to the residents of El Paso County.

Respectfully,

Trina Shook

## Jessica Merriam

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**From:** Kylie Bagley  
**Sent:** Monday, July 13, 2026 9:14 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
[www.elpasoco.com](http://www.elpasoco.com)

---

**From:** Wendy Ladau <ladauw@gmail.com>  
**Sent:** Sunday, July 12, 2026 4:24 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us <governorpolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTV News <news@kktv.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

- 1.
- 2.
3. **A gas station is not a permitted use in C-1.**
4. Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but not in C-1. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which
5. the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store definition's "may include retail sale of gasoline"
6. covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires,
7. **this use is prohibited in C-1.**
- 8.

The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

- 
- 
- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation,
- [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.

- 
- 
- 
- Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
- 
- 
- 
- Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not.
- What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.
- 

2.

3.

4. **The use does not meet the Code's "Convenience Store" definition.**

5. That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." The appeal represents that the store will serve the surrounding neighborhood. It will

6. not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

7.

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it **"a destination," comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

*The Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.

According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3.

4.

5. **The appeal's "similar use" fallback cannot rescue it either.**

6. Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an
7. allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1
8. would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation
9. comparisons do not change this: similar traffic does not override an express exclusion.
- 10.

4.

5.

6. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.**

7. Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed
8. to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves
9. the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined
10. to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes
11. C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each
12. with full notice and hearing.
- 13.

5.

6.

7. **The application is also unreliable on its face.**

8. Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators;
9. and a landscaping requirement misstated as 5% when the Code requires more. A record this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.
- 10.

I respectfully request that the Board:

- 1.
- 2.
3. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
- 4.
- 5.
- 6.
7. Recognize that a 120-position fuel facility
8. **is**
9. a gas station, which the Code excludes from C-1;
- 10.
- 11.
- 12.
13. Decide the appeal in public, on a full evidentiary record, with the community heard; and
- 14.
- 15.
- 16.
17. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.
- 18.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully,

Wendy E.W Ladau  
19950 Riverglen Lane, Monument Colorado 80132  
Woodmoor neighborhood  
El Paso County, Colorado

## Jessica Merriam

---

**From:** Kylie Bagley  
**Sent:** Wednesday, July 8, 2026 8:26 AM  
**To:** Jessica Merriam  
**Subject:** Fw: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)



### Kylie Bagley

Principal Planner  
Planning and Community Development  
719.520.6323  
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**From:** Whitney Yeager <whitneyyeager@icloud.com>  
**Sent:** Tuesday, July 7, 2026 6:13 PM  
**To:** Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>  
**Cc:** Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; mlakind@tomgov.org <mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org <sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org <lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org <mfiorito@tomgov.org>; eharris@palmer-lake.org <eharris@palmer-lake.org>; rmoseley@palmer-lake.org <rmoseley@palmer-lake.org>; jmarble@palmer-lake.org <jmarble@palmer-lake.org>; mbeeson@palmer-lake.org <mbeeson@palmer-lake.org>; ajurka@palmer-lake.org <ajurka@palmer-lake.org>; governornopolis@state.co.us <governornopolis@state.co.us>; natasha\_hutson@bennet.senate.gov <natasha\_hutson@bennet.senate.gov>; jess\_cohen@hickenlooper.senate.gov <jess\_cohen@hickenlooper.senate.gov>; jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov <matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com <integritymatterscos@gmail.com>; contact@trilakespreservation.org <contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>; Tony.Keith@koa.com <Tony.Keith@koa.com>; Noah.Caplan@koa.com <Noah.Caplan@koa.com>; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com <ASack@kxrm.com>; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTU News <news@kktv.com>; news@krdo.com <news@krdo.com>; achalfin@krcc.org <achalfin@krcc.org>; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com <newstips@denver7.com>; newstips@9news.com <newstips@9news.com>; tips@kdvr.com <tips@kdvr.com>; jalvarado@denverpost.com <jalvarado@denverpost.com>; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com <oliviaprentzel@coloradosun.com>; newsroom@coloradosun.com <newsroom@coloradosun.com>; Karin.Brulliard@washpost.com <Karin.Brulliard@washpost.com>; jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>; tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com <news.tips@abc.com>; LBergman@newsnationnow.com <LBergman@newsnationnow.com>; tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>  
**Subject:** Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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[Mark Safe Report](#) El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners:

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This is not about whether Buc-ee's is a good business in the proper location. It is about the County's own Code, which answers the question the appeal raises.

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The appeal tries to escape this prohibition by misreading the Gas Station definition — three ways, all traceable to page 5 of the underlying request:

- First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, as an incidental use." Their absence is irrelevant.
  - Second, the appeal asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15.
  - Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.
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The appeal represents that the store will serve the surrounding neighborhood. It will not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions and an estimate 165 toilets) — Buc-ee's own store-opening manager called it **"a destination," comparing it to Disney World** (*Arizona Daily Star*, June 22, 2026).

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According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates **roughly six million customers a year**, with 88% traveling more than 20 miles to reach the store (City of Springfield official website; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the appeal relies on. The appeal's answer — to redefine the interstate corridor itself as the "neighborhood" — is not what the Code says.

3. **The appeal's "similar use" fallback cannot rescue it either.** Buc-ee's argues in the alternative that its project is a "similar" permitted use under § 5.3.6.C.1. It is not available here. Section 5.3.6(E) is explicit: no interpretation may "authorize any use in a zoning district ... unless ... substantially similar to an allowed use," none may allow a use "inconsistent with the statement of purpose" of the district, and none may "have the effect of amending, abrogating, or waiving any other standard or requirement established by Code." Reclassifying a gas station into C-1 would abrogate the Code's express exclusion of gas stations from C-1 — exactly what § 5.3.6(E) forbids. And the "similar use" mechanism exists for uses the Code has not listed; a gas station is listed, and it is excluded from C-1. The appeal's trip-generation comparisons do not change this: similar traffic does not override an express exclusion.
4. **This decision belongs on a full public record — and the right path is a rezoning, not a reclassification.** Deciding the permitted use of a specific parcel by applying the Code's definitions to specific facts is a discretionary, quasi-judicial judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." The County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. The contested questions this appeal raises — whether a multi-state destination "serves the neighborhood," the traffic and water impacts of a facility of this scale — cannot fairly be resolved on the applicant's paper record. They should be decided by you, in public, on an evidentiary record, with the community heard. If the Board is inclined to entertain reversing the Director, a use classification of this magnitude cannot fairly be decided on the applicant's paper submissions alone; it requires a noticed public evidentiary hearing at which the community can be heard. And because the Code distinguishes C-1 ("commercial activities," § 4.4.1) from C-2 ("large commercial activities," § 4.4.4) — and allows gas stations in C-2 but not C-1 — the proper path for a regional interstate fuel-and-retail center is a rezoning to C-2, or a special-use / PUD review, each with full notice and hearing.
5. **The application is also unreliable on its face.** Beyond the violations above, the record repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" that omits Convenience Store, the very use it claims is permitted; fuel-footprint percentages calculated on shifting denominators; and a landscaping requirement misstated as 5% when the Code requires more. A record

this flawed is one more reason the determination should be upheld and the matter tested on a full public record rather than reversed on appeal.

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
2. Recognize that a 120-position fuel facility **is** a gas station, which the Code excludes from C-1;
3. Decide the appeal in public, on a full evidentiary record, with the community heard; and
4. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully,

Whitney Yeager

565 Heatherdowns

Monument, Co 80132

Woodmoor

El Paso County

Sent from my iPhone