

Jessica Merriam

From: Meggan Herington
Sent: Wednesday, July 15, 2026 9:06 AM
To: Jessica Merriam; Kylie Bagley
Subject: FW: Evidence Submission for Buc-ee's Use Determination Appeal - APP261
Attachments: Use Determination - Independent Analysis_Final_07-14-2026.pdf

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Subject: Evidence Submission for Buc-ee's Use Determination Appeal - APP261

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To the El Paso County Commissioners and Planning and Community Development Staff,

Please find attached the enclosed report regarding Buc-ee's appeal of the Planning and Community Development Director's July 1, 2026 determination concerning the proposed use classification for the Buc-ee's travel center project. Please include this report in APP261 and consider it as evidence when making a determination.

The purpose of this report is to provide additional analysis of the Land Development Code, the proposed project's characteristics and impacts, and the applicable standards governing use classifications and "similar use" determinations under the Code.

As outlined in the report, we believe the proposed Buc-ee's development is fundamentally inconsistent with the definition of a neighborhood-serving convenience store and with the intent and permitted uses of the C-1 zoning district. The scale, intensity, traffic generation, fuel operations, lighting, and 24-hour nature of the proposed development more closely resemble a travel center or truck stop than any use contemplated within C-1 zoning.

The report further concludes that, while a travel center does not perfectly align with the County's existing truck stop definition, it satisfies the Land Development Code's "similar use" criteria for classification as a truck stop within the Commercial Services (CS) zoning district and should therefore be subject to the public review and scrutiny associated with that process.

This appeal presents an important policy question extending beyond a single project: whether the County's existing zoning framework and use classifications will be applied consistently and predictably, or whether large-scale regional travel centers may be administratively classified as neighborhood convenience stores despite substantial differences in scale, impacts, and function.

We respectfully request that the Board consider the attached analysis when evaluating Buc-ee's appeal and uphold the Director's determination that the proposed development does not qualify as a permitted convenience store use within the C-1 zoning district.

Thank you for your time, consideration, and service to the residents of El Paso County.

Very Respectfully,

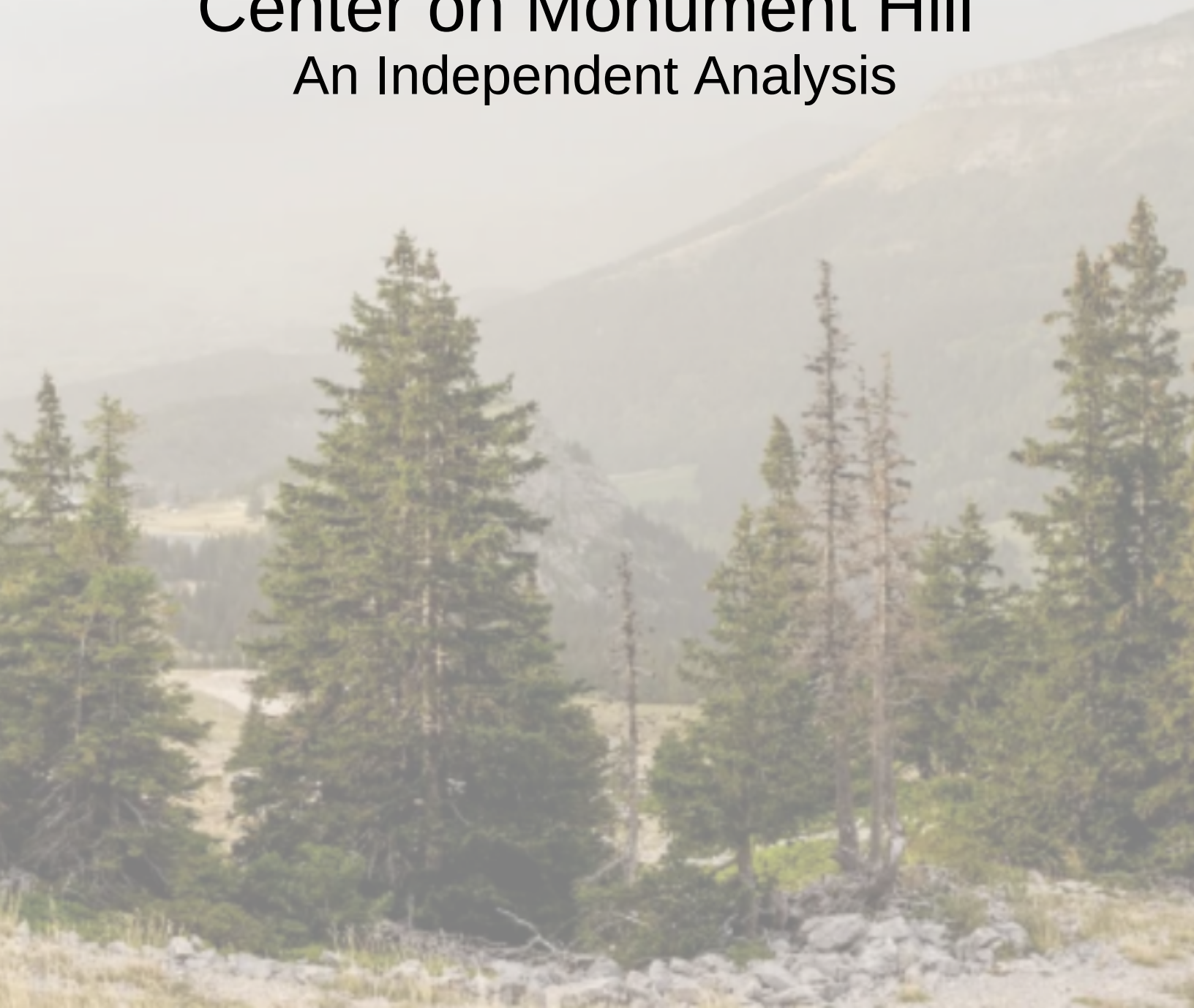
The Tri-Lakes Preservation, Inc Board



Tri-Lakes Preservation, Inc. (TPI)



Use Determination For Travel Center on Monument Hill An Independent Analysis



Executive Summary

This executive summary gives a brief, high-level overview of the main findings documented in this report. The full report begins on page three.

Determination Request Appealed After Planning Staff Declines Convenience Store Label. Buc-ee's EPCO LLC (applicant) is asking the County to classify as a convenience store a proposed 31-acre travel center, with a 74,000 square foot retail and restaurant building, 120 fuel pumps, 20 electric vehicle (EV) charging stations, and 812 parking spaces (791 standard spaces and 21 accessible spaces). Specifically, the applicant is seeking a determination on whether the travel center meets the County's definition of a convenience store or is similar to one for purposes of being allowed in the obsolete C-1 commercial zone.

The County's Planning and Community Development (PCD) Director initially evaluated this request and declined to classify the travel center as a convenience store. The response to the determination request notes that the "facility includes a combination of characteristics, impacts, and design elements that are mixed and uncommon within unincorporated El Paso County." The applicant has appealed to the Board of County Commissioners (BoCC) for the Board to make a final determination.

Buc-ee's Does Not Meet the Definition of a Convenience Store. On the question of whether the proposed travel center meets the County's definition of a convenience store, the answer is clear. The travel center does not meet the County's definition. In the Land Development Code (LDC), a convenience store is defined as having a primary purpose of serving the surrounding neighborhood. The Buc-ee's travel center on the other hand would primarily serve highway travelers. The proposed travel center also includes functions beyond the scope of a convenience store with restaurant space, food preparation, and large-scale fuel sales. The applicant's attempts to claim they intend to serve the neighborhood are flawed and contradictory and should be rejected.

Buc-ee's Does Not Meet "Similar Use" Criteria for a C-1 Zone. If the travel center does not meet the definition of a convenience store, the second question is whether it meets the criteria to be considered similar to one for purposes of being allowed in a C-1 zone. The answer to this second question is also clear. The travel center does not meet the County's criteria to be considered similar to a convenience store or allowable in a C-1 zone. The travel center is not consistent with the purpose of the C-1 zone and would have characteristics and impacts of a far greater scale than a convenience store or any other allowable uses in a C-1 zone. The applicant relies on a flawed analysis by comparing the traffic impacts of the travel center to three scenarios of high-intensity uses. However, the uses they have chosen as comparisons are not

convenience stores and are not even allowed uses in a C-1 zone. Thus, the applicant's comparison is invalid. In fact, the applicant's own information on the characteristics of the project show that the project would be a better fit in a different commercial zone that allows for large-scale, high-intensity development.

Figure 1: Truck Stop, Not Convenience Store, Meets County's "Similar Use" Determination Criteria	
Criteria 1: <u>Consistent with Purpose of Zone</u>	Criteria 2: <u>Similar Characteristics as Allowed Uses in the Zone</u>
Convenience Store in C-1 Zone	
 Fails to meet criteria. C-1 zone is the more restrictive of the obsolete zones and the original intent was to prohibit all fuel sales in C-1 zone.	 Fails to meet criteria. A travel center would have impacts such as traffic, noise, light pollution, and health impacts of a much greater scale than anything allowed in C-1 zone.
Truck Stop in CS Zone as a Special Use	
 Meets criteria. CS zone is intended for commercial retail and commercial services that serve the general public. Truck stops and other high-intensity uses are allowed.	 Meets criteria. While on the higher end of intensity for CS uses, the traffic, noise, light pollution, and health impacts are within the scope of other allowed uses, especially with a truck stop being a special use which would allow for greater evaluation of impacts to ensure consistency with the zone.

Travel Center Should be Classified as a Truck Stop. While the proposed travel center fails to meet the criteria to be considered a convenience store, it does meet the "similar use" criteria in Section 5.3.6 of the LDC to be considered a truck stop. Figure 1 summarizes the results of the analysis for a travel center as similar to either a convenience store or truck stop. As the Figure shows, a truck stop meets the County's criteria for making an administrative determination, while a convenience store fails to meet the criteria. (The detailed analysis of how each option fails or meets the criteria is provided in this report.) Accordingly, the BoCC should determine that the applicant's travel center is similar to a truck stop and should be classified as such for purposes of pursuing future development of the project.

Background

Buc-ee's EPCO LLC (applicant) has submitted a request for an administrative determination to El Paso County to have a proposed travel center classified as a convenience store for purposes of being an allowable use in the County's Land Development Code (LDC). The administrative determination request first went to the Director of the Planning and Community Development (PCD) Department. The PCD Director did not approve the request to classify the travel center as a convenience store. In response, the applicant filed an appeal of the decision and is requesting that the Board of County Commissioners (BoCC) determine how to classify the travel center.

Large Travel Center Proposed for Site in Residential Tri-Lakes Neighborhood

Buc-ee's is proposing to build a 31-acre travel center, with 74,000 square feet of retail and restaurant space, 120 fuel pumps, 20 electric vehicle (EV) charging stations, and 812 parking spaces (791 standard spaces and 21 accessible spaces).¹ (A fuel pump is counted as a single fueling position, typically there is one position on either side of a fuel dispensing unit.)

The proposed site for the project is on parcels primarily zoned C-1. The C-1 zone is obsolete, because its use was phased out in 1991, but land previously designated as C-1 retains that zoning designation until rezoned.² The LDC specifies allowable primary and accessory uses for all zones, including the obsolete ones. In addition to C-1 zoning, the applicant owns an adjacent parcel zoned commercial community (CC), which is the current zoning designation for small-scale commercial development intended to serve the surrounding neighborhood.

The proposed Buc-ee's travel center would be located on Monument Hill in the established Tri-Lakes area of northern El Paso County. The area surrounding the proposed site is primarily single-family homes on large lots along with protected open space. The area is classified as the suburban residential "placetype" in the County's Master Plan³, and is actually surrounded by even larger lot residential development and more protected open space than the placetype would suggest. The population of the three Tri-Lakes communities (Monument, Palmer Lake, and Woodmoor) totals about 22,600, which includes 8,750 households⁴.

Applicant Told in 2024 To Rezone and Adhere to 300-Year Water Rule

The applicant's team of developers first approached El Paso County in May 2024⁵ about building a large travel center on the site on Monument Hill. At that time, the applicant initiated an early assistance process with the County to discuss land use, zoning, water, traffic, and the approval process in general. As part of this process, the applicant was advised to rezone the parcels and adhere to the County's 300-year water rule—a finding that the water rights and aquifer levels could support the project for 300 years.

Ultimately, the applicant attempted a flagpole annexation with the Town of Palmer Lake a couple of miles to the west in order to get water and have the use approved through Palmer Lake instead of the County's process. However, after much controversy, the annexation request was withdrawn. After the failed annexation, and with full awareness of the zoning restrictions, Master Plan, and community opposition, the applicant purchased the parcels on Monument Hill in early 2026.

Use Determination as a Convenience Store Circumvents Original Requirements

Now that the annexation to Palmer Lake has failed, the applicant has come back to El Paso County in another attempt to have the travel center project approved at the same site on Monument Hill. However, the applicant is not proposing to rezone the site and meet the 300-year water rule, which was the process initially specified by the County. Instead, the applicant has initiated a series of piecemeal actions—also known as segmentation—in an apparent attempt to avoid the requirements initially specified by the County's PCD Department. Part of this piecemeal process relies on maintaining the parcel's obsolete C-1 zoning designation, which in turn leads to the applicant's request to have the proposed travel center classified as a convenience store.

The LDC identifies three types of developments that allow for the retail sale of fuel. These include gas stations, truck stops, and convenience stores. According to Table 5.1 in the LDC, gas stations and truck stops are not allowable uses on C-1 zoned land. As such, the applicant is asserting that the project should be classified as a convenience store. This is because that is the only type of land use that allows for any retail sale of fuel in a C-1 zone.

PCD Director Unable to Say Travel Center is Similar to a Convenience Store

In response to the request for an administrative determination, the PCD Director declined to classify the travel center as a convenience store or similar to one under the Section 5.3.6 "similar use" criteria in the LDC. The Director and PCD staff reviewed 26 existing convenience stores in El Paso County and other allowed uses in a C-1 zone as part of making this determination. The response issued states that "the proposed facility includes a combination of characteristics, impacts, and design elements that are mixed and uncommon within unincorporated El Paso County."¹

The existing convenience stores reviewed by the PCD staff range in size from 676 square feet to 5,550 square feet. Some of these stores have no retail fueling. Of the stores with retail fuel sales, the largest such gas station has 18 fuel pumps. It is noted by the PCD Director that none of these existing convenience stores are located in a C-1 zone. The PCD Director's focus on comparing the travel center primarily to existing convenience stores adheres to the language and intent of the LDC. While the "similar use" criteria, described later in this report, references

comparing an unlisted use to other allowable uses in a zone, it is reasonable for the determination to tie back to the overall form, function, and concept of a convenience store.

With the applicant's appeal of this determination, the BoCC must now consider the questions of whether the travel center meets the definition of a convenience store, meets the "similar use" criteria to be classified as a convenience store, or meets the criteria to be classified as another use type. The analysis in this report answers all three of these questions and provides the documentation to support these findings.

Does a Travel Center Fit the Definition of a Convenience Store?

The current version of the LDC does not include a definition of a travel center nor does it specify in which zone types a travel center would be an allowable use. The applicant asserts in their appeal that the proposed travel center should be classified as a convenience store. However, this analysis finds that the project does not meet the LDC's definition of a convenience store in a number of ways.

A Convenience Store Must Be a Neighborhood Market

Code Establishes Convenience Stores as Neighborhood Markets

The LDC defines a convenience store as:

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

A key part of the definition is that a convenience store's *purpose* must be to offer products for sale "to the neighborhood in which it is located". This definition describes a neighborhood market serving the surrounding community.

Master Plan Supports Neighborhood-Scale Definition

The County's Master Plan identifies the project site on Monument Hill as being in the "suburban residential placetype." The land uses for the suburban residential placetype are described in the plan and clearly state that single family detached homes are the primary land use. Commercial retail and commercial services are listed as supporting land uses with the plan stating these must be "less prevalent and serve to support the primary land use". Furthermore, the plan states "Few commercial uses may be appropriate in Suburban Residential. Those allowed ***must be small-scale standalone businesses that serve a neighborhood population*** (emphasis

added).”⁶ The Master Plan clearly requires commercial development in a suburban residential placetype to be small-scale, serve a neighborhood population, and be supportive of the primary land use of single-family homes. Thus, the definition of a convenience store as serving the surrounding neighborhood is not only clear in the LDC, but is specifically supported by the Master Plan for the proposed site on Monument Hill.

Applicant’s Documentation Fails to Demonstrate a Primary Intent to Serve the Neighborhood

The applicant’s request for a determination as to whether the travel center project meets the definition of a convenience store fails to demonstrate that the establishment’s purpose would be serving the neighborhood in which it is located.

Applicant Wrongly Asserts that Tying into Roadways Equates to Serving the Neighborhood.

The applicant asserts that the adjacent Interstate 25, County Line Road, and Beacon Lite Road are part of the neighborhood. Further, the applicant states that the “proposed Buc-ee’s will be physically connected to and functionally integrated with the existing roadway network and surrounding land uses...” The applicant incorrectly asserts that by virtue of connecting their project to the existing roadway network this means the project is therefore serving the neighborhood. All developments connect to the roadway network in one way or another. Connecting to roadways in general, or to the specific roadways noted by the applicant, does not define the function or characteristics of a development.

Furthermore, the applicant appears to conflate the highway itself with the people traveling on it. The highway itself would not be served by the travel center due to the increased traffic and likely congestion. The people traveling on the highway, while potentially served by the travel center, would not identify themselves as part of the neighborhood unless they happened to actually live there. Under the applicant’s faulty logic, anyone traveling through a community would be part of that neighborhood simply by virtue of driving through. This stands in contrast to the County’s definition of a neighborhood as “primarily residential areas unified by shared characteristics, functional connections, and spatial perceptions.” Highway travelers who would pass through the Tri-Lakes area are not residents, and are not unified with the community through shared characteristics or connections.

Applicant Fails to Address Other Elements of Neighborhood Definition. The County’s definition of a neighborhood specifies that neighborhoods are places with shared characteristics and spatial perceptions, as well as common design themes. The applicant does not address this part of the definition of neighborhood. In fact, the size, scope, and site plan elevating the proposed travel center 30-feet above the natural grade is inconsistent with the existing character, spatial perceptions, and design themes of the neighborhood. People who live in the community have

expressed concerns that the proposed travel center is fundamentally out of character with the neighborhood. The PCD Director's findings similarly note that the proposed travel center includes characteristics and design elements that are mixed and uncommon, not only in the surrounding neighborhood, but within unincorporated El Paso County more broadly.

Applicant Asserts that Convenience Stores Should Serve General Public in Contrast to County Definition. The applicant asserts that "the Code does not limit convenience stores to serving only immediately adjacent residences." The unrealistically strict definition (only immediately adjacent residences) used in this comparison has no basis in the LDC and appears to have been concocted by the applicant in an effort to undermine and confuse the County's actual definition of a convenience store. The applicant then makes a leap to conclude that the lack of such an unrealistically strict definition of the intended community served should be interpreted as meaning the LDC intends for convenience stores to serve "people living, working, and traveling nearby"—meaning the general public. The applicant's assertion that the general public is the target customer base is in direct conflict with the County's definition of a convenience store as an establishment for the purpose of serving the neighborhood.

Applicant Wrongly Asserts that Location by the Interstate Makes it a Convenience Store. The applicant asserts that the LDC does not prohibit convenience stores along major transportation corridors. This is correct, but is irrelevant as the County's definition of a convenience store does not include criteria on the proximity to transportation corridors. The applicant then goes on to state that because some convenience stores currently exist along major transportation corridors within the County that this establishes a siting pattern of convenience stores being located near transportation corridors. While this may be true, this fact again does not speak to how the applicant's proposed travel center meets the definition of a convenience store. Simply choosing a site along a highway does not make the travel center a convenience store and has no nexus to the County's definition. By the applicant's logic, the location of a project, rather than its function and characteristics would determine how a use is defined. This illogical conclusion would undermine the very purpose of the LDC and must not be considered relevant.

Additionally, the examples the applicant gives of convenience stores located near transportation corridors highlights the massive difference in scale and scope of the travel center with actual convenience stores. Specifically, the size of the proposed Buc-ee's is 14 to 21 times as large as the referenced convenience stores (according to the El Paso County Assessor's Office):

- Falcon Circle K is 5198 square feet. The retail portion of the proposed Buc-ee's would be more than **14 times as large**.
- Charlie's Convenience Store is 5040 square feet. The retail portion of the proposed Buc-ee's would be more that **14-and-a-half times as large**.

- Meadowbrook Parkway Circle K is 4480 square feet. The retail portion of the proposed Buc-ee's would be more than **16-and-a-half times as large**.
- Fuel B's Convenience Store is 3500 square feet. The retail portion of the proposed Buc-ee's would be more than **21 times as large**.
- Space Village Loaf N Jug is 3621 square feet. The retail portion of the proposed Buc-ee's would be more than **20 times as large**.

Applicant Wrongly Asserts that Unrelated Features Make the Travel Center a Convenience Store. The applicant claims that it intends to serve the community with certain proposed features of the travel center including: EV charging facilities, enhanced landscaping and open space, wildlife mitigation measures, 24-hour backup power, emergency response staging area, and fire-water supply improvements. However, most of these features are actually mitigation measures for negative impacts that would be caused by the project. Prior to site work, the parcels were in a natural state with old growth ponderosa pine trees and a seasonal stream. Landscaping, leaving part of the site as open space, and wildlife mitigation are all mitigation measures that will reduce the harms caused to the community rather than bring a net benefit.

Furthermore, these purported ancillary benefits of the travel center do not fall within the scope of the LDC's definition of a convenience store. Specifically, the LDC defines offerings of a convenience store as "groceries, ready-to-eat food, over-the-counter drugs, and sundries." Emergency staging, back up power supplies and the other such features do not align with the purpose and products referenced in the County's convenience store definition. In fact, these purported benefits (such as emergency staging) point to the scale of the proposed travel center as being fundamentally different than that of a convenience store.

Buc-ee's Primary Purpose is to Serve Travelers

Rather than being an establishment for the purpose of serving the surrounding neighborhood, the proposed Buc-ee's travel center has a primary business purpose of selling products and fuel to regional travelers. The applicant previously reported to the Town of Palmer Lake that 90-95 percent of their sales are to customers outside the zip code in which a travel center is located.⁷ Thus, the intent of the business is not to be a neighborhood store. The very business model of the Buc-ee's company is in conflict with the County's definition of a convenience store.

Buc-ee's even refers to itself as a travel center and touts its regional scale business model. Notable examples of this include:

- **Buc-ee's Told El Paso County in 2024 This Project Was a Travel Center.** In 2024, as part of the early assistance with El Paso County, the applicant called the proposed project on Monument Hill a "travel center".

- **Company Website Calls Larger Locations Travel Centers.** As of July 2026, the Buc-ee's official website references its supersized locations as "travel centers" contrasting these travel centers and their offerings with the older Buc-ee's locations that are more typically sized gas stations with convenience stores.
- **Buc-ee's Refers to its Locations as Travel Centers in the Press.** When speaking to the press, Buc-ee's refers to its locations as travel centers. For example, in an article dated April 3, 2026 about the first Buc-ee's to open in Ohio, company spokesman Randy Pauly said "We don't want to be just another gas station. We are a family travel center..."⁸ This quote highlights the gas station as a core part of their business and the travel center description reflects their customer base as being travelers rather than local residents.
- **Buc-ee's Refers to its Locations as Travel Centers in Planning Documents.** In planning documents and project proposals across the country, Buc-ee's refers to its locations as travel centers. For example, in the proposal submitted to Johnstown, Colorado for the state's only existing Buc-ee's, the company described the location as "a large travel center". Similarly, in North Carolina a project was called "Buc-ee's Travel Center at Effland Station" in the official documents proposed by the company.

Proposed Travel Center Too Big to Serve the Surrounding Neighborhood

Applicant Wrongly Asserts that Lack of Size Limit in Code Means Unlimited Size. The applicant asserts that the lack of specific size limits in the LDC means that a convenience store can be any size. While the applicant is correct that there is no specific size limit in the County's definition of a convenience store, that does not erase the requirement that a convenience store must intend to serve the local neighborhood. The lack of a size limit gives flexibility to have somewhat larger or smaller convenience stores based on the size and needs of individual communities, rather than unlimited size.

Size of Buc-ee's Too Big to Serve Tri-Lakes Community. The retail component of the proposed Buc-ee's travel center at 74,000 square feet would be 30 times larger than the average convenience store in the country and 15 times the maximum allowable size for a convenience store in the neighboring Town of Monument.^{9, 10} It would be roughly four times as large as all the other existing convenience stores in the Tri-Lakes area combined. In fact, it would be larger than almost all of the nearby grocery stores and drug stores in the Town of Monument and it approaches the size of nearby large-scale retail businesses. Figure 2 (next page) shows the size of the proposed Buc-ee's retail store compared to other local stores.

A 74,000 square foot convenience store could not be supported by the population in the surrounding community. As discussed later in this report, Buc-ee's expects 22,150 vehicle trips daily to this location. This is a typical level for a Buc-ee's travel center and reflects the tens of thousands of customers expected each day to support the large-scale travel center.

In order for the expected trips and customers to come from the surrounding community, each of the 8,750 households in the Tri-Lakes area would need to visit the travel center more than

two and a half times each day—an unrealistic assumption. Thus, it is clear from the large scale of the proposed Buc-ee's that it is not intended to serve the population of the surrounding residential neighborhood or even the Tri-Lakes area more generally.

Project Does Not Align with Type of Development the Community Says It Wants

Another way in which the project is not intended to serve the surrounding neighborhoods (as the definition of a convenience store requires) is because the proposed project is inconsistent with preferences and priorities for future development expressed by the community.

Monument Town Survey. In 2021, the Town of Monument conducted a survey of its citizens and found that concerns about over-development and growth at too large of a scale was a key concern. In particular, residents expressed concerns over large scale growth eroding the charm and character of their small town.¹¹

Figure 2: Size of Commercial Developments in the Tri-Lakes Area

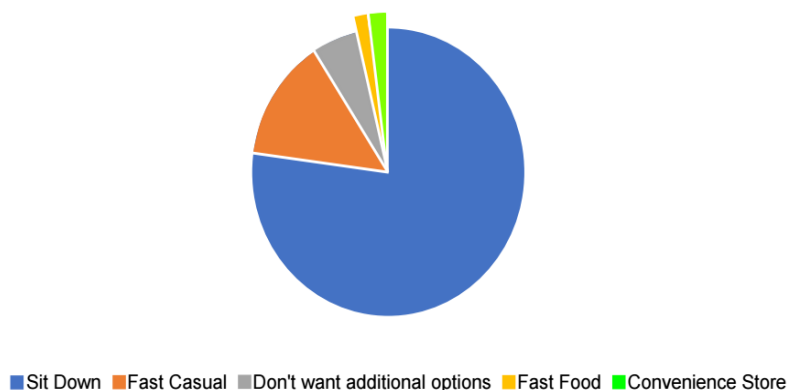
Establishment	Estimated Retail Size (Sq ft)
Gas Stations with Convenience Stores	
7-Eleven (Baptist Rd)	2,400
7-Eleven (Hwy 105)	3,049
Phillips 66 Food Mart ^a	4,300
Valero	4,099
Maverik	4,951
Travel Centers (Truck Stops)	
QuickTrip	7,628
Pilot Travel Center	13,478
Grocery and Drug Stores	
Walgreens	14,408
Goodwill	22,378
Safeway	55,183
Proposed Travel Center	
Buc-ee's	74,000
Large-Scale Retail	
Kohl's ^a	85,000
King Soopers	86,779
Home Depot ^a	110,000
Walmart	222,850
(a) All square foot amounts are from El Paso County Assessor's website, except these. These square foot amounts are estimates using measurement tools from Google Earth due to the information not being accessible on the Assessor's website.	

Dining Options Polling. In recent social media polling, residents of the Tri-Lakes area were asked what type of dining options they would like to see added in the area. The results are in Figure 3 and show that 77 percent of respondents to the poll wanted additional sit-down style

restaurants. In contrast, only 2.1 percent of respondents would like to see more convenience store foods available and 1.6 percent would like additional fast-food options.¹²

In addition, the long and contentious history of this project shows that there is significant opposition from the community. Given all this information, it is hard to argue that a community so generally opposed to this type of development, and to this project in particular, would somehow be served by it.

Figure 3: Poll of Tri-Lakes Residents Preferences for New Dining Options



Incidental Fuel Sales Do Not Allow for a Travel Center

The County's definition of a convenience store is one of a neighborhood market that *may* include the retail sale of fuel. While the definition does not specify the number of allowable fuel pumps, it must still meet the requirement of providing a service on a neighborhood scale. In fact, the definition of a convenience store before the C-1 zone was made obsolete, explicitly excluded the sale of fuel.¹³ When combined with the fact that gas stations and truck stops are not allowed in a C-1 zone, this clearly shows the intent to prohibit all fuel sales before the zone was made obsolete. Therefore, it is reasonable to interpret the inclusion of fuel sales by convenience stores in the current version of the LDC as optional and small-scale, or somewhat incidental to the overall purpose of the convenience store. This is because while no specific size limit is specified in the LDC, it is implied with the definition of a convenience store as a neighborhood market, and by the specific exclusion of gas stations and truck stops as allowable uses in a C-1 zone.

A 120-pump gas station cannot reasonably fit into the definition of a convenience store. This number of fuel pumps would nearly double the number of passenger vehicle gas pumps that currently exist in the entire Tri-Lakes area.

Figure 4 shows the proposed travel center would have 30 times the number of fuel pumps as the smallest existing facility in the area (a 7 Eleven convenience store with four gas pumps). The proposed travel center would have four times as many fuel pumps as the largest facility in the area, the Pilot Travel

Center, when accounting for both the Pilot's passenger and commercial vehicle fueling.

The scale of the proposed gas station component of the travel center can in no way be viewed as small-scale, serving the neighborhood, or incidental. The gas station part of the proposed travel center fails to meet the County's definition of a convenience store.

**Figure 4: Size of Buc-ee's Gas Station
Would Dwarf Others in Tri-Lakes**

Name	Passenger Pumps	Truck Pumps	Total Pumps	How Many Times Larger is Buc-ee's
Gas Stations				
7-Eleven (Hwy 105)	4	0	4	30
Sinclair	8	0	8	15
7-Eleven (Baptist Rd)	10	0	10	12
Circle K	12	0	12	10
Safeway	12	0	12	10
Murphy Express	16	0	16	7.5
Maverik	20	0	20	6
Phillips 66	12	10	22	5.5
Valero	8	16	24	5
Subtotal	102	26	128	
Truck Stops				
QuickTrip	11	14	25	4.8
Pilot	12	18	30	4
Subtotal	23	32	55	
Total	125	58	183	

Restaurant and Food Preparation Inconsistent with Convenience Store Definition

The proposed travel center includes food preparation services—essentially a large fast-food restaurant inside the Buc-ee's store that prepares and packages food for sale inside the store. While the applicant has not specified how much space food service comprises of the proposed project, the Johnstown, CO Buc-ee's includes an estimated 8,700 square feet of food service space.¹⁴ At roughly 8,700 square feet, the food service area would be more than twice the size of most fast-food restaurants. Buc-ee's is known for serving barbeque-style dishes that are smoked offsite, but prepared onsite. In addition, Buc-ee's serves burritos, sandwiches, baked goods and other foods, many of which are prepared onsite to some degree.

However, the County's definition of a convenience store does not include having a restaurant or onsite food preparation. Rather the definition for a convenience store only includes ready-to-eat foods. In addition, the LDC specifically identifies restaurants and food processing as separate uses. Thus, a large part of the travel center would be dedicated to uses that exceed the scope of the County's definition of a convenience store.

Is a Travel Center Similar to a Convenience Store?

The applicant's request for a use determination asks that if the project does not meet the definition of a convenience store (which this analysis finds it does not), that the BoCC consider whether the travel center is similar to a convenience store or other allowed uses in a C-1 zone. The LDC establishes criteria for making such a determination.



When evaluated against these criteria, it is clear that a travel center is not similar to a convenience store or other allowed uses in a C-1 zone. The ways in which the proposed travel center fails to meet the criteria are described in the section below. The size of the travel center underlies many of the reasons why a travel center is not similar to a convenience store as size determines many of the impacts and characteristics of a development. Figure 5 gives a visual comparison of the size

of the travel center compared to a typical convenience store using the same scale. The figure illustrates the significant differences in size between a travel center and a convenience store.

Code Specifies Process and Criteria for Classifying Unlisted Uses

Section 5.3.6 of the LDC describes the process for the County to evaluate whether a proposed development is similar to an existing defined type of development. The process requires the County to evaluate the proposed project against certain criteria to determine if (1) the function, performance, and location requirements are consistent with the purpose of the zoning district and, (2) the use is compatible with other allowed uses and similar in characteristics such as traffic, parking and noise. The LDC specifically states:

“When a use is not specifically identified as allowed in a zoning district or overlay zoning district, it shall not be allowed in the zoning district or overlay zoning district unless it meets the following criteria in determining the use is a similar use: The function, performance characteristics, and location requirements of the unlisted use shall be consistent with the purpose and description of the zoning district where it is proposed; The unlisted use is compatible with the uses specifically allowed in the district, and similar in characteristics such as traffic and parking generation, noise, glare, vibration, and dust.”

This analysis finds that the proposed Buc-ee’s travel center fails to meet both criteria established in the LDC for evaluating whether it is similar to a convenience store or other allowable uses in a C-1 zone.

Fails Criteria 1: Not Consistent with Purpose of the C-1 Zone

Purpose of C-1 District is More Restrictive and Did Not Allow Fuel Sales Before Becoming Obsolete

The first criteria considers whether the project is consistent with the purpose and description of the C-1 zone. The current version of the LDC does not contain a robust definition of the C-1 zone, because this zone has been obsolete since 1991. However, the description of the obsolete zones in the current LDC states that C-1 zoning was for providing commercial activities while another obsolete commercial zone still retained in the LDC, C-2 zoning, was for the purpose of providing for *large* commercial activities. All of the principal uses allowed in C-1 are also allowed in C-2, but there are several larger-scale and more intensive uses listed for C-2 that are not allowed in C-1 zoning. Meaning that the C-1 zone was the more restrictive commercial zoning type before coming obsolete. In terms of function, gas stations, food processing, and fuel sales and storage are not allowed in C-1 zones, but are allowed in C-2 zones. In addition, before the C-1 zone became obsolete, the County’s definition of a convenience store specifically excluded the

sale of fuel.¹³ This means that before becoming obsolete, the sale of fuel was prohibited in the C-1 zone because gas stations, truck stops, and fuel sales and storage were not allowed and convenience stores at the time also did not allow the sale of fuel.

Travel Center is Large and Would Have Significant Retail Fuel Sales

The proposed travel center is a large-scale development and would serve regional travelers, with 120 fuel pumps. Given that the C-1 zone expressly prohibited fuel sales before becoming obsolete and was the more restrictive of the obsolete commercial zones, it is clear that a travel center is not consistent with the purpose or description of the zone. In contrast, the C-2 zone allowed for large commercial development and some fuel sales.

Applicant Mischaracterizes Purpose of C-1 Zoning

The applicant relies on a single phrase that the zoning district “is established for the purpose of providing commercial activities” for determining the purpose of the C-1 zone. The applicant then incorrectly asserts that “this is a broad, unqualified statement of purpose that imposes no limitation on the scale, type, or customer base of commercial uses.” The applicant fails to acknowledge the obsolete C-1 zone’s description in relation to the obsolete C-2 zone, the latter of which is for *large* commercial activities. The parts of the LDC cannot be viewed in isolation, and the purpose of the zoning districts must be viewed in the context of the descriptions of the other zones. Thus, the applicant’s assertion that the zone imposes no limitation on scale is incorrect. The applicant also fails to acknowledge the true intent of the C-1 zone based on how it was described and what uses were allowed before the zone was made obsolete. As stated above, the C-1 zone clearly allowed only for more restrictive commercial activity (as opposed to large commercial in a C-2 zone) and expressly prohibited all fuel sales.

Fails Criteria 2: Project Not Compatible and Has Much Larger Impacts

The second criteria asks two questions, whether a proposed project “is compatible with the uses specifically allowed in the district, and similar in characteristics such as traffic and parking generation, noise, glare, vibration, and dust.” The proposed travel center fails to meet these criteria in several ways.

Travel Center Not Compatible with Allowed Uses

Applicant Fails to Demonstrate Compatibility. The applicant asserts that the proposed Buc-ee’s is compatible with a broad range of uses expressly permitted in the C-1 zoning district. However, the applicant provides no analysis or attempts to describe or quantify support for this statement.

Travel Center Incompatible with Residential Area and Certain C-1 Uses. In fact, a large travel center is not a compatible use with an established residential neighborhood. This is supported by the Master Plan's description of suburban residential neighborhoods as having a primary purpose of supporting single family homes and that commercial development in these areas must be small-scale. In addition, the proposed travel center is incompatible with some of the other allowed uses in a C-1 zone (a criteria that must be considered under Section 5.3.6). Specifically, C-1 zones allow for schools, childcare centers, and public parks. These community-oriented uses that serve children are incompatible with a large travel center. This is because the traffic, pollution, and transient nature of travel center customers pose health and safety risks to children.^{15,16, 17}

Travel Center Does Not Have Similar Characteristics to Convenience Stores or Other Allowed Uses

Applicant's Conclusions on Criteria 2 Rely on Disallowed Uses in C-1 Zone. The applicant includes a lengthy analysis in their submittal comparing the traffic characteristics of the proposed travel center with three other development scenarios they claim are allowed in a C-1 zone. However, the applicant's scenario analysis is seriously flawed because they rely on scenarios that are not actually allowed in C-1 zones, and they fail to quantify any characteristics beyond traffic impacts.

In the traffic analysis, the applicant states that the proposed Buc-ee's travel center would have 22,150 daily trips to the site. The applicant created three scenarios in an attempt to show the traffic generated by the Buc-ee's travel center would be of a similar magnitude to other developments. These scenarios are:

- **General Retail Shopping Center.** This scenario is a large shopping center with a total of 304,500 square feet of commercial space, including a 120,000 square foot super-sized grocery store, eight fast-casual and fast-food restaurants totaling 24,000 square feet, five high-turnover sit-down restaurants totaling 30,000 square feet, and 27 additional retail and/or service developments totaling 130,500 square feet. Under this large shopping center scenario, the applicant estimates 35,934 daily trips.
- **Supercenter Shopping Center.** This scenario is a large shopping center with a total of 245,000 square feet of commercial space, including a 200,000 square foot superstore, two high-turnover sit-down restaurants totaling 12,000 square feet, four fast-food restaurants totaling 12,000 square feet, a convenience store with gas station totaling 5,000 square feet and 16 fuel pumps, and an additional 16,000 square feet of strip retail space. Under this shopping center scenario, the applicant estimates 20,812 daily trips.
- **Theater/Concert Venue.** This scenario is modeled after a scaled-up version of the Ford Amphitheater in Colorado Springs. The scaled-up scenario includes a 9,000 seat, 336,000

square foot theater and concert venue. Although the applicant models this scenario after an amphitheater and shows an amphitheater in their concept drawings, the description of the scenario contains a footnote stating this scenario assumes the theater is indoors. Under this scenario, the applicant estimates 10,364 daily trips.

Shopping Centers Not Allowed in C-1. The first two scenarios are very clearly shopping centers. However, shopping centers are not an allowable use in a C-1 zone. They are not listed on the principal or accessory use tables for the C-1 zone. In contrast, shopping centers are allowed in Commercial Service (CS) and Commercial Regional (CR) zones as these zones are intended for larger scale developments. Section 5.3.6 (C)(2) of the LDC states relative to making similar use determinations that:

“The listing of any use as being allowed in any particular zoning district or overlay zoning district shall be deemed to be an exclusion of the use from any other zoning district, in which the use is not specifically listed.”

Since shopping centers are allowed in other zones, the absence of a shopping center listed as an allowed use in the C-1 zone not only means it isn’t allowed, but shopping centers are specifically excluded as a use.

The C-1 zone allows for commercial or retail *as part of* an overall shopping center, but does not allow for the development of a shopping center itself. While one specific use identified in the shopping center scenarios might be allowable in a C-1 zone (such as the 5,000 square foot convenience store), building a full shopping center, as the scenarios assume, is not allowed. Thus, the applicant’s first two scenarios must not be viewed as providing evidence of comparable characteristics to other allowed uses in a C-1 zone. Instead, the first two scenarios are merely an insightful illustration of how far outside the scope of C-1 zoning and the concept of a convenience store the applicant must reach to find uses having traffic of a comparable scale to their proposed travel center.

Concert Arena Not Allowable in C-1 Zone. The third scenario is a large indoor theater or concert arena, modeled on a larger, indoor version of the Ford Amphitheater. The applicant asserts that such a venue would be allowable under C-1 zoning as a “theater.” In addition to the Ford Amphitheater, the applicant lists the Broadmoor World Arena as an example of a theater that would be allowed in a C-1 zone. While a theater is an allowable use in C-1 zone, it does not appear that a 9,000-seat arena meets the spirit and intent of a “theater” in the LDC. Neither the Ford Amphitheater nor the Broadmoor World Arena are located in C-1 zones. Both are located in the City of Colorado Springs and neither is in a commercial zoning district. The applicant has presented no information to suggest that the large arena described in their scenario would be an allowable use in a C-1 zone.

In fact, the dimensional use standards for the C-1 zone, as specified in Table 5.4 of the LDC, limit the height of buildings to 30 feet, which is not tall enough to accommodate a 9,000-seat arena. For example, the interior height of the Broadmoor World Arena is 79 feet from floor to ceiling, with the totally building height therefore being even taller.¹⁸ The height of the Ford Amphitheater's stage canopy alone is 70 feet from the stage to the canopy.¹⁹ Thus, while a small theater, such as a small movie theater, or small community theater (with a maximum height of 30 feet) could be allowed in a C-1 zone, the applicant has presented no information on an allowable version of a theater to make the case that the characteristics and community impacts would be of a similar scale to the proposed travel center.

Applicant's Own Analysis Shows Traffic of a Much Greater Scale. The applicant estimates there would be 22,150 daily trips to the travel center. In addition, the travel center would receive frequent supply deliveries from commercial trucks. The applicant's own documents estimate a typically-sized convenience store and gas station would have 3,212 daily trips. This means that according to the applicant's traffic analysis, the travel center would have nearly seven times the amount of traffic as a convenience store with a gas station. Thus, the applicant's own traffic analysis documents how the travel center is not similar to a convenience store and would have a much higher-intensity of use and impacts.

In terms of other allowed uses in a C-1 zone, the applicant's traffic analysis finds that a fast-food restaurant with drive-thru would have 1,345 daily trips, and a high-turn-over sit-down restaurant would have 623 daily trips.

Applicant Fails to Comprehensively Quantify Other Characteristics. The information the applicant presents on criteria number two is heavily focused on the traffic scenarios described above and contains little analysis on other characteristics or impacts of the project compared to convenience stores or other allowable C-1 zone uses. The applicant mentions noise characteristics and asserts that other allowable uses are capable of generating noise equal to or greater than the proposed travel center. However, the applicant presents no data or analysis to quantify these noise levels. Similarly, the applicant asserts that the travel center will not generate excessive vibration, smoke, fumes, or dust. However, the applicant provides no quantifiable assessment of these characteristics or how they compare to allowed uses in a C-1 zone district. The burden of showing similarity of characteristics is on the applicant and they have failed to quantify these other characteristics.

Other Characteristics Would Have Impacts of a Much Greater Scale. While the applicant has failed to quantify other characteristics and community impacts, the available information points to the travel center as having much greater impacts than anything allowed in a C-1 zone. This is because convenience stores and other allowable uses would not generate traffic, noise and light

pollution anywhere close to the scale of the impacts the proposed travel center would generate based on its size, purpose of serving regional travelers, and 24/7 operations. Specifically:

- **Vehicular-Related Noise and Air Pollution.** Based on the applicant's own traffic analysis, the traffic generated by the proposed travel center would be seven times greater than an actual convenience store and gas station. This means the corresponding traffic-noise and air pollution from vehicles would also be at least seven times higher than an actual convenience store (more if the travel center results in traffic backups). In addition, the vehicular-related noise and air pollution is likely to be even higher because Buc-ee's does not provide seating in their restaurant area so customers tend to sit in their vehicles with engines idling in the parking lot while eating their purchased food items.
- **Health Risks of Much Greater Scale.** The travel center would also pose health risks not associated with other allowable uses in a C-1 zone. This is because the travel center would have 120 gas pumps and large fuel holding tanks. Small leaks and spills are common in all gas stations. In addition, gas stations are known to increase air pollution and the release of volatile organic compounds. While these health risks might be minimal from the type of small-scale fueling associated with actual convenience stores, when scaled up many times larger than a typical convenience store with a gas station, the health risks to nearby properties will be of a much greater scale. The amount of fuel spills that would wash off the site would not be incidental, and could cause significant damage to water and soil quality on surrounding properties, including neighboring wells, and nearby protected open space. No other allowable use in a C-1 zone would pose health risks associated with fuel pumps and tanks.²³
- **Light Pollution of Much Greater Scale.** The proposed travel center would have 260 exterior lights. The existing development in C-1 zones tend to be small-scale with minimal exterior lighting. Nothing comparable to a travel center has been identified in a C-1 zone by the applicant, or in this analysis. In fact, the exterior lighting for the travel center would be of a much larger scale than even the exterior lighting for a large commercial development in a CR zone. For example, the lighting plans for the King Soopers in the Falcon Marketplace (zoned CR) shows 80 exterior lights.²⁰ The proposed Buc-ee's travel center would have more than three times the number of exterior lights as the Falcon King Soopers. This indicates that not only would the light pollution from the Buc-ee's travel center be far greater than any existing C-1 uses, but it would be several times greater than large commercial developments in a CR zone.
- **Other Noise Pollution of Much Greater Scale.** Noise pollution would similarly be of a much greater scale with a travel center than a convenience store other allowable C-1 uses. One type of noise impact is reflected highway noise caused by the size of the proposed travel center. Because the site of the proposed travel center is sloped, it would

sit atop an over 30-foot-high retaining wall built to create a level construction pad. The actual building would rise another 30 feet in the air. In total, the retaining wall plus the walls of the building would create an over sixty-foot-high structure parallel to I-25. The size of this structure would bounce a significant amount of the highway noise off the retaining wall and building and over to the residential Woodmoor community on the east side of the highway. This is likely to necessitate the construction of sound walls. The applicant fails to identify this serious noise issue and includes no discussion of how it would be mitigated. It is unclear from the applicant's proposal if noise mitigation can be achieved in a reasonable way given the large -scale of the proposed project. It also appears from the lack of this issue being addressed in the application that the County would likely be required to pay for soundwalls needed to mitigate the noise. In contrast, a typically sized convenience store would not require a building site built up 30 feet above the natural grade because it would not require such a large construction pad. In addition, an actual convenience store would have a smaller building overall, thus generating much smaller-scale noise impacts and likely not requiring sound walls or other noise mitigation.

- **More Blocked Views Than a Convenience Store.** The C-1 zone limits the height of a structure to 30 feet tall. However, as described above, the proposed Buc-ee's would sit atop an over 30-foot-high retaining wall used to build up a large construction pad creating an over 60-foot-high structure. The 30-foot-high retaining wall is only necessary due to the large size of the travel center. It is unlikely that a convenience store other C-1 uses would need to build a construction pad over 30 feet high, because the other C-1 uses are not nearly as large as the proposed travel center. Thus, the Buc-ee's would block mountain views 30 feet higher than would otherwise be expected for this site. The loss of views will have serious negative impacts on property values for the homes on the east side of I-25.

How Should a Travel Center Be Classified?

This report establishes that the proposed travel center does not meet the definition of a convenience store, nor is it similar to a convenience store for purposes of being considered an allowable use for a C-1 zoned site. However, the County should still answer the question of how to define or categorize a travel center based on what type of development it is most similar to.

Closest Definition is a Truck Stop

Gas stations and truck stops are the two other uses defined in the LDC that allow for the retail sale of fuel (aside from convenience stores). The County's definition of a truck stop allows for

the sale of fuel, restaurant facilities, and other sales and services. The definition of a gas station focuses on the sale of fuel and vehicle-related services such as car washes. In comparing the proposed travel center to the definitions of a gas station and a truck stop neither definition fully meets the characteristics of a Buc-ee's. Although the definition for a truck stop comes close.

The characteristics of the proposed travel center are: being a large-scale facility, serving highway travelers, selling fuel, selling other retail items, and providing food services. Figure 6 shows the degree to which the elements of the proposed travel center aligns with the definitions and characteristics of a gas station and a truck stop.

Figure 6: Travel Center is Closest to Definition of a Truck Stop

	Large-Scale Size	Serve highway travelers	Fuel Sales Allowed	Retail Allowed	Food Services Allowed	Serve Passenger & Commercial Drivers
Truck Stop	✓	✓	✓	✓	✓	Only commercial drivers
Gas Station	Not Typical	General Public	✓	Limited	✗	✓

More than a Gas Station. The applicant asserts that the proposed travel center does not meet the County's definition of a gas station. While this is correct, it is not because the travel center does not contain a gas station, but rather because it is more than a gas station. It is a large-scale gas station combined with large-scale retail, restaurant and food services, and large bathroom facilities.

Truck Stop Definition Comes Closest. As the figure shows, truck stops, like travel centers are large-scale facilities that serve highway travelers. The County's definition of a truck stop allows for fuel sales, retail sales, and food services. The primary way in which the proposed travel center does not fit the County's definition of a truck stop is that truck stops are defined as serving commercial vehicles and their drivers. While the County's definition is narrowly focused on commercial drivers, most truck stops actually serve both commercial and passenger vehicle drivers. Similarly, the proposed Buc-ee's travel center intends to serve primarily passenger vehicle and small commercial vehicles, but not large commercial vehicles.

Buc-ee's has a company policy banning fuel sales and parking of 18-wheeler commercial trucks at most, but not all, of its locations. The large travel centers look and function similarly enough

to truck stop travel centers that the company typically needs to place signs at the entrances to its travel centers specifying certain larger commercial trucks are not allowed. Smaller commercial vehicles that can fit at a typical fuel pump—such as utility-style trucks, commercially-operated pickup trucks, and commercial vans— are typically not banned. Buc-ee’s sells diesel fuel, which supports these smaller commercial vehicles. Drivers of 18-wheeler commercial vehicles wishing to use the retail and food services offered by the travel center would be required to park offsite, but may still use the facilities and purchase items. (The County’s definition of a truck stop includes additional optional allowable features to serve commercial drivers that are not part of the proposed travel center, but these additional features are permissible and not required for a development to be considered a truck stop.)

The applicant claims they should not be considered a truck stop because the travel center will not accommodate 18-wheeler commercial vehicles, however, the applicant does not address the extent to which they plan to serve the drivers of smaller commercial vehicles. The County’s definition references commercial drivers, not 18-wheeler trucks specifically. In addition, the applicant claims the travel center should not be considered a truck stop because it will not include showers, truck washes, and other optional elements of a truck stop. The lack of these optional features does not make the proposed travel center inconsistent with the definition of a truck stop.

Is a Travel Center Similar to a Truck Stop?

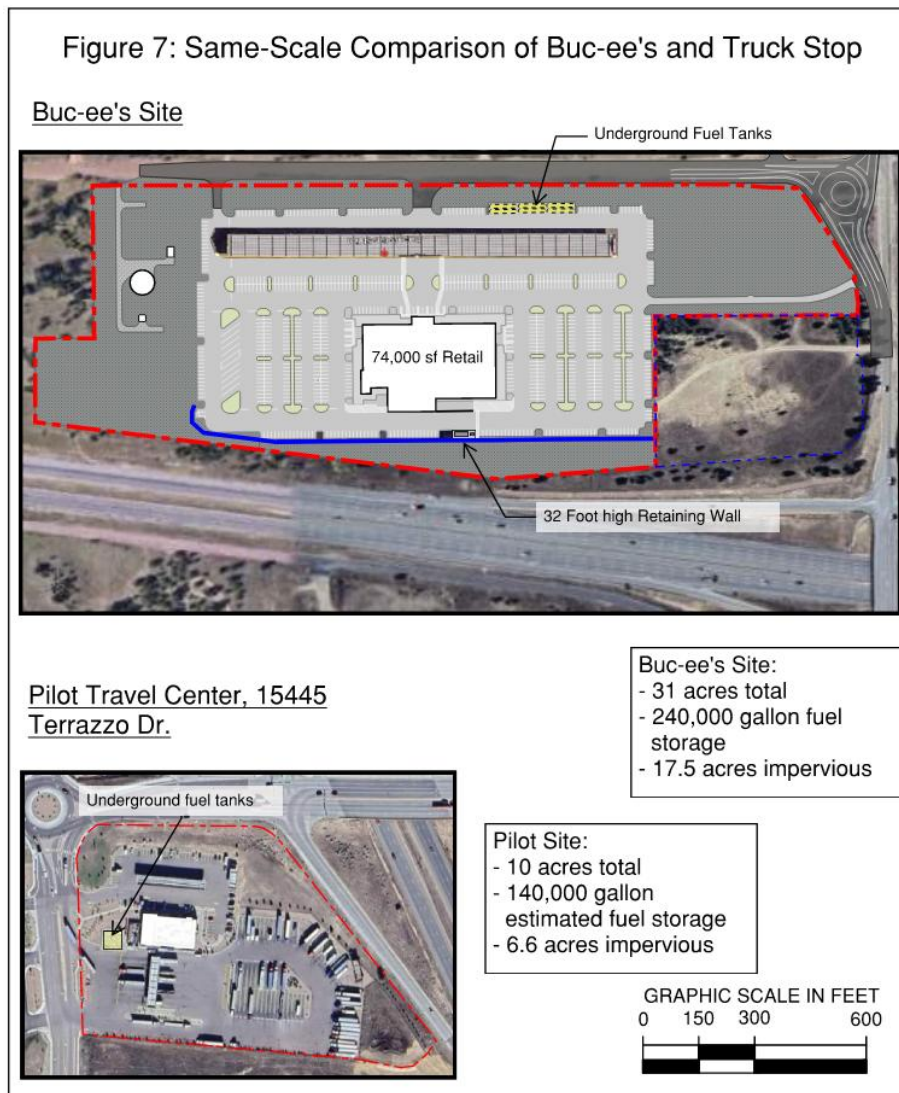
While the proposed travel center does not fully meet the definition of a truck stop, it does appear to meet the criteria in section 5.3.6 of the LDC to be considered similar to a truck stop in a Commercial Services (CS) zone.

Because the section 5.3.6 criteria requires comparing an unlisted use (in this case the travel center) to the allowable uses in a particular zone, it is necessary to determine both the potential similar use and the most relevant zone. Truck stops are allowed as a special use in three zones, one of which is the CS zone. When the proposed travel center is evaluated against the section 5.3.6 criteria to determine if it qualifies as a similar use as a truck stop in a CS zone, it meets both criteria, as described in the section below.

Figure 7 (next page) visually compares the proposed travel center with the Pilot truck stop in Monument using the same scale. As the figure shows, the Buc-ee’s travel center site would be about three times the size of the Pilot truck stop. While the Buc-ee’s is much larger than the Pilot, it is much closer in scale than when compared to a convenience store. Both the Buc-ee’s and the Pilot have 50-60 percent of the total site as impervious surfaces. Each facility also has large-scale fuel storage.

Meets Criteria 1: Consistent with Purpose of the Zone

The LDC defines the CS zoning district as intended to accommodate retail, wholesale or service commercial uses that serve the general public. A travel center contains retail and service components. In addition, a travel center is intended to serve primarily highway travelers, which would be considered part of the general public. The CS zone allows for a broad range of commercial uses, including large-scale commercial developments, such as truck stops.



Meets Criteria 2: Similar Impacts as Allowed Uses with Special Use Consideration

Consistent with Other Uses in CS Zone. The second criteria is whether the proposed use would be consistent with allowable uses in the CS zone and have similar community impacts as those allowable uses. Other allowable uses in a CS zone including a truck stop, freight terminal, heavy equipment rental, home improvement center, light industry or light manufacturing, mini

warehouse, and shopping centers, are all large-scale developments. In terms of consistency, siting a travel center in the same zone as a truck stop does not raise consistency concerns.

Similar Characteristics and Impacts as a Truck Stop. A travel center would have similar characteristics as a truck stop, including significant traffic impacts, large parking areas, significant exterior lighting, and 24-hour operations. In addition, truck stops have very large fuel

tanks and sell a high volume of fuel similar to a travel center. Other allowed uses in a CS zone, which include some large-scale developments, could also have similar characteristics or community impacts.

Special Use Designation is Important. It is likely that the Buc-ee's travel center would be on the high end of intensity compared to other truck stops or other allowable uses in a CS zone. As Figure 7 illustrates, the proposed Buc-ee's would be three times as large as the Pilot truck stop in Monument. While the Buc-ee's would be much larger and possibly a more intensive use than a typical truck stop, this difference in scale could be accounted for under the use designation as a truck stop. This is because a truck stop is considered a special use in the LDC requiring a greater level of evaluation and scrutiny of a proposed project. This additional evaluation required for special uses takes into account location and community specific issues as to whether a truck stop (or travel center) fits at any given proposed site. For example, the special use process is intended to ensure there will be no unmitigated traffic issues, the use is in harmony with the surrounding neighborhood, and would not pose health risks. This additional layer of oversight from the special use designation would be highly beneficial when applied to travel centers considering the significant traffic levels, unique community impacts, health risks, and other concerns that surround these types of developments.

Similar Use Analysis Adheres Closely to Compared Use. It is worth noting that this evaluation of the "similar use" criteria for a truck stop classification focuses on the impacts of truck stops (the similar use being compared to), rather than other potential uses allowed in the same zones as truck stops. This distinction is important. The applicant's analysis relies on high-intensity uses that are unrelated to a convenience store in the inaccurate attempt to show how a travel center meets the "similar use" criteria. Whereas the similar use analysis comparing a travel center to a truck stop does not need to reach far outside the concept of a truck stop to show the similarities.

Travel Center is a Single Integrated Use Like a Truck Stop

The applicant states that the travel center is a single principal use, not multiple principal uses. This is because the travel center functions as a single unified establishment and the various parts of the travel center operate in an integrated fashion. Viewing the travel center as a single principal use, rather than multiple principal uses, does appear to fit well with the overall characteristics and function. This is because the travel center functions as a single large-scale development and the size, scope, and impacts may not be adequately addressed if the functions of the travel center were considered as separate principal uses. For example, a separate gas station, retail store, and restaurant are unlikely to generate the same level of traffic and impacts as is seen when these functions are merged together into a large travel center.

Furthermore, the scale and operations of the travel center appear integrated and inseparable. Buc-ee's does not have large travel centers that do not include a gas station. Part of the business model of the travel center is to attract highway travelers with the large-scale gas station. The customers of the gas station part of the travel center then support the retail and restaurant operations. The business model is one of high-turnover and high-traffic that relies on the various functions of the travel center supporting each other. The applicant's own assertion that the travel center is a single, integrated, principal use further supports a travel center being similar to a truck stop. This is because a truck stop is the County's only defined use that allows for such a multi-function integrated development with gas station, retail, and restaurant components.

BoCC Should Categorize Travel Centers as Truck Stops

In order to provide clarity on the use type and associated zoning requirements, the BoCC should classify the proposed travel center as a truck stop. While the travel center does not fully meet the definition of a truck stop, it does meet the LDC's "similar use" criteria to be considered similar to a truck stop and therefore fulfills the decision-making criteria the BoCC must consider. If the BoCC chooses not to classify the travel center as a truck stop, it should initiate a process to add a definition to the LDC for travel centers. This definition should identify the appropriate large-scale commercial zoning required for travel centers, such as CS or CR zones. Given the high-intensity nature and significant impacts a travel center would have, the BoCC should make travel centers a special use in the LDC, similar to truck stops.

Conclusion

The proposed Buc-ee's travel center would be a large-scale, high-intensity development that is inconsistent with the definition of a convenience store and allowable uses in a C-1 zone in general. The applicant has failed to demonstrate that their project meets the criteria established for the BoCC to approve an administrative determination as a convenience store or other allowable use in a C-1 zone. However, analysis of the project, its impacts, and the "similar use" criteria in the LDC, point to a clear answer in terms of how to define the proposed travel center. Specifically, travel centers should be categorized as truck stops. Of the three defined uses in the LDC that allow for the sale of fuel, a travel center most closely matches the definition of a truck stop. While the definition of a truck stop is not a perfect fit, it meets the "similar use" criteria that the BoCC has been asked to evaluate for this project. This analysis finds that the BoCC should make a determination that travel centers are similar to truck stops. Doing so would provide clarity to the applicant on the zoning requirements and process for pursuing the development of a Buc-ee's travel center in El Paso County.

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