

Slide 1: Debunking Selective Myths by the Applicant



Complete Code Context: The applicant has presented a cherry-picked narrative, isolating single phrases while ignoring foundational Land Development Code (LDC) definitions.



Countering Misleading Analogies: The applicant cannot be legally justified by comparing it to concert halls or regional shopping centers—uses that are strictly prohibited in C-1 zones.



Restoring Statutory Intent: If approved, this sets a dangerous precedent in El Paso County, our presentation examines the full intent, purpose statements, and explicit boundaries of C-1 Commercial zoning to protect community integrity.

Shawn Sawyer

Slide 2: Presentation Flow for the Commissioners

Definition	Floorplan	C-1 Intent	Traffic	Denial
LDC 1.15 strictly defines Convenience Stores as neighborhood markets; Buc-ee's is a regional destination.	Breakdown shows standard retail is only 16%; 84% consists of mega-retail, dining, and massive services.	Criteria 1 Test proves severe incompatibility with C-1 zoning goals and local rural infrastructure.	Criteria 2 Test details 22,150 daily trips—far exceeding any allowed C-1 neighborhood use.	Legal summary demonstrating why LDC 1.6.1 & 5.3.6 mandate a formal vote of denial.

Slide 3: Defined the Basics: Code vs. Applicant Claim

Term	LDC / Legal Definition	Applicant's Misrepresentation
Convenience Store	Neighborhood market selling goods primarily to local residents (LDC 1.15).	A 74,000 sq ft regional highway travel plaza with 120 fueling positions.
C-1 Zoning	Low-intensity commercial zone designed exclusively for immediate neighborhood needs.	A flexible zone capable of accommodating massive regional transit hubs.
Similar Use Test	Strict statutory test requiring identical impact, scale, and operational character (LDC 5.3.6).	A loose comparison against unallowed stadiums, malls, and concert venues.
Primary Customer Base	Local residents living within the immediate neighborhood boundary.	90% out-of-county travelers and 70% out-of-state interstate traffic.

Slide 4: Correcting the Record: Zone-Specific Analysis

✖ The Applicant's Distortions

Cherry-Picked Text: Isolate "fuel sales" while ignoring "neighborhood market" context.

Distorted Baseline: Benchmarked traffic against 9,000-seat stadiums rather than allowed C-1 uses.

Masked Multi-Use: Re-labeled 15,000 sq ft of commercial kitchens and 25,000 sq ft of retail as "convenience."

✔ The Zone-Specific Reality

LDC Table 5.1 Rules: Restaurants, retail, and fuel centers are separate uses requiring distinct zoning.

Scale & Intensity: 22,150 daily trips and 240k gal fuel storage violate C-1 intensity caps.

Statutory Compliance: Code mandates reading words in their plain, ordinary, neighborhood-focused meaning.

"We get confused with gas stations, convenience stores. We like to actually be known as a family-friendly travel center."

— Angela Janik, Buc-ee's Representative

Slide 5: Summary: Our Review is Factually Accurate & Legally Sound



1) 100% Evidentiary

Every metric presented—from the 80% out-of-county customer rate to the 22,150 trip count—is sourced directly from the applicant's own official filings and public testimony.



2) Strict Legal Standard

Our analysis adheres strictly to standard rules of statutory construction under LDC 1.6.1, preventing the unauthorized expansion of C-1 zoning boundaries.

3) Mandatory Denial

Because Buc-ee's fails both criteria of the LDC 5.3.6 Similar Use test, the Board of County Commissioners has a clear statutory duty to **DENY** the determination.

90%

Visitors from outside El Paso County

70%

Travelers driving from outside Colorado

LDC Section 1.15 Definition: Convenience stores are explicitly defined as "*neighborhood markets*" serving the specific **neighborhood population** in which they are located.