

Proposed Buc-ee's Travel Center

# Not Similar to a Convenience Store

# Not Consistent with C-1 Zone

APP 261 and ADM 264

**Presented to the El Paso Board of County Commissioners**

**August 27, 2026**

This presentation was prepared by dedicated members of the Tri-Lakes community. Volunteers devoted their time and talents, including expertise in areas of architecture, engineering, public policy, finance, and business analysis. This presentation was developed through careful research of the El Paso County Land Development Code, Master Plan, and the proposed Buc-ee's travel center.

# Decision-Making Criteria

1

## Is the Travel Center a Convenience Store Under the Code?

- Applicant asks to have the travel center considered as a convenience store under the definition in Section 1.15 of the LDC.

## Is the Travel Center Similar to a Convenience Store in C-1?

LDC Section 1.6.7 governs similar use determinations requiring them to “fall within the same category of use by character, descriptor, and intensity...”

LDC Section 5.3.6(C) establishes criteria that must be met in order to make a similar-use determination.

LDC Section 5.3.6(E) limits determinations to those “substantially similar to an allowed use.”

### Analyze Consistency with the Zone

- LDC Section 5.3.6(C)(1) states that an unlisted use must be consistent with the purpose of the zoning district (in this case C-1 obsolete, non-large commercial zone).

### Analyze Similarity of Characteristics

- LDC Section 5.3.6(C)(1) states that the use must be compatible with other uses allowed in the zone and have similar characteristics.

Must Meet the  
Definition of a  
convenience store

OR

Must be consistent  
with the purpose of  
the C-1 zone

+

Must have similar  
characteristics as  
allowed uses

# Comparison to a Convenience Store

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## Convenience Stores are Neighborhood Markets

LDC section 1.15:

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

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

Master Plan Page 33:

Supports neighborhood-scale definition—stating that commercial uses in this area must be **“small-scale standalone businesses that serve a neighborhood population.”**

- A key part of the definition is the phrase “for the purpose of offering for sale to the neighborhood in which it is located”. The neighborhood is a critical component of the definition.
- This phrase establishes the neighborhood population as the primary customer-base for a convenience store and it establishes a qualitative or functional size limit—meaning convenience stores are to be developed and appropriately sized to serve the neighborhood.

**Serve a  
Neighborhood  
Population  
With Neighborhood-Scale  
Size Limit**

# Comparison to a Convenience Store

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## Buc-ee's Acknowledges Interstate Travelers as Primary Customer-Base

- Representatives say most of the customers are interstate travelers.
- Buc-ee's General Counsel said customers want to be notified 400-500 miles away of an upcoming Buc-ee's along the interstate. (Nadalo, 2024)
- Billboard marketing strategy places advertisements hundreds of miles away, or more (Ulle, 2025)

**"90 percent of the customers are from well outside El Paso County"**

-Stan Beard, Buc-ee's Representative,  
Dec. 3, 2024, Palmer Lake Community Meeting

**"More than 70 percent are coming from outside the state"**

-Stan Beard, Buc-ee's Representative,  
Dec. 3, 2024, Palmer Lake Community Meeting

**"I'm sure that most of you are aware that 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, May 26, 2026, Mansfield Planning Commission Meeting

**"Highway oases"**

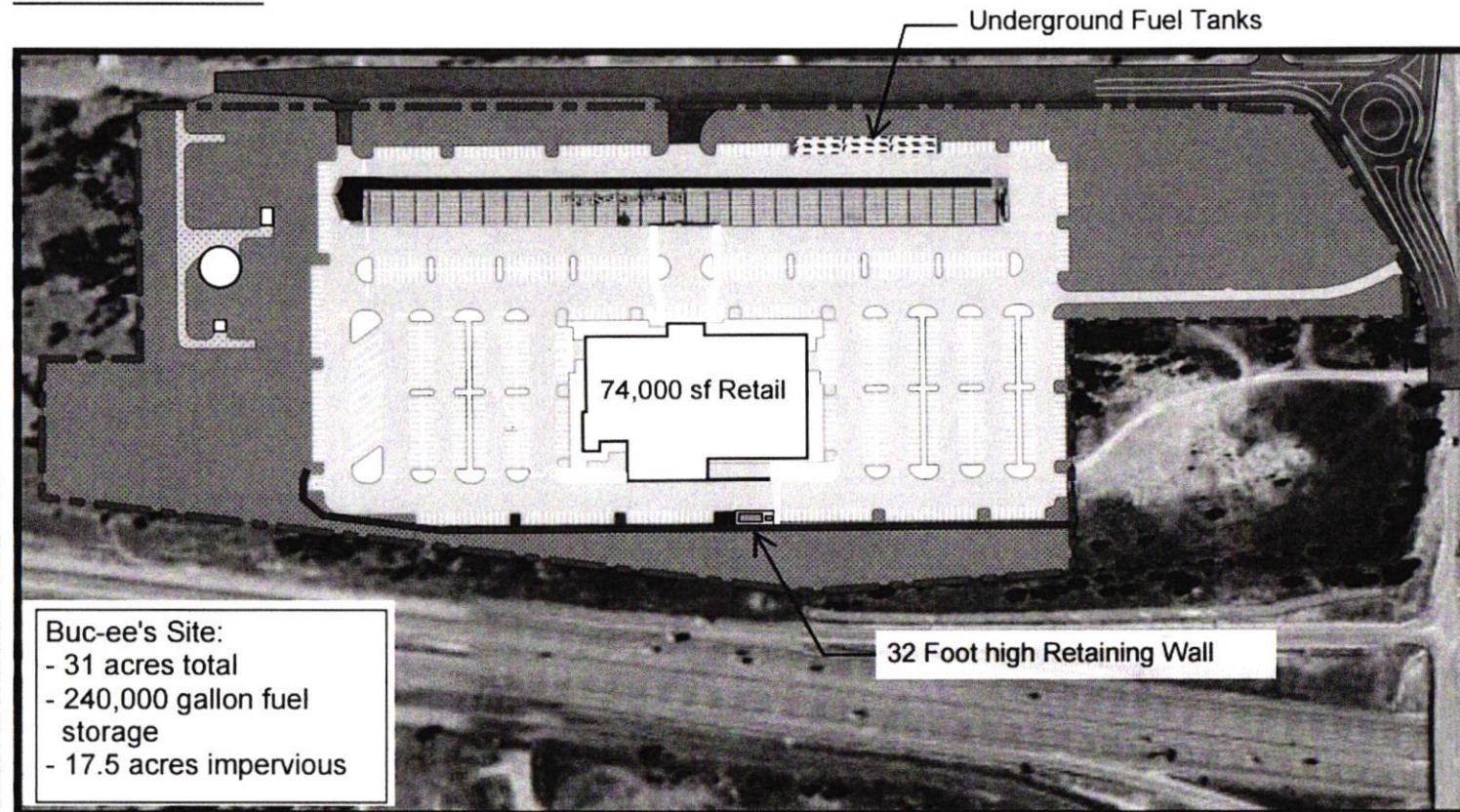
-Buc-ee's v. Hanes  
Rd. Carryout, 2026

# Comparison to a Convenience Store

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## Buc-ee's is Not Neighborhood-Scale

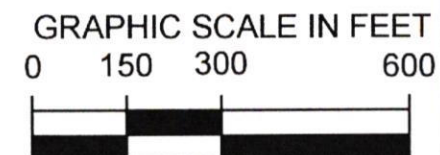
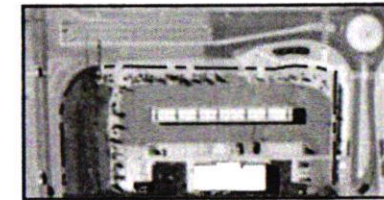
### Buc-ee's Site



Buc-ee's Site:  
- 31 acres total  
- 240,000 gallon fuel storage  
- 17.5 acres impervious

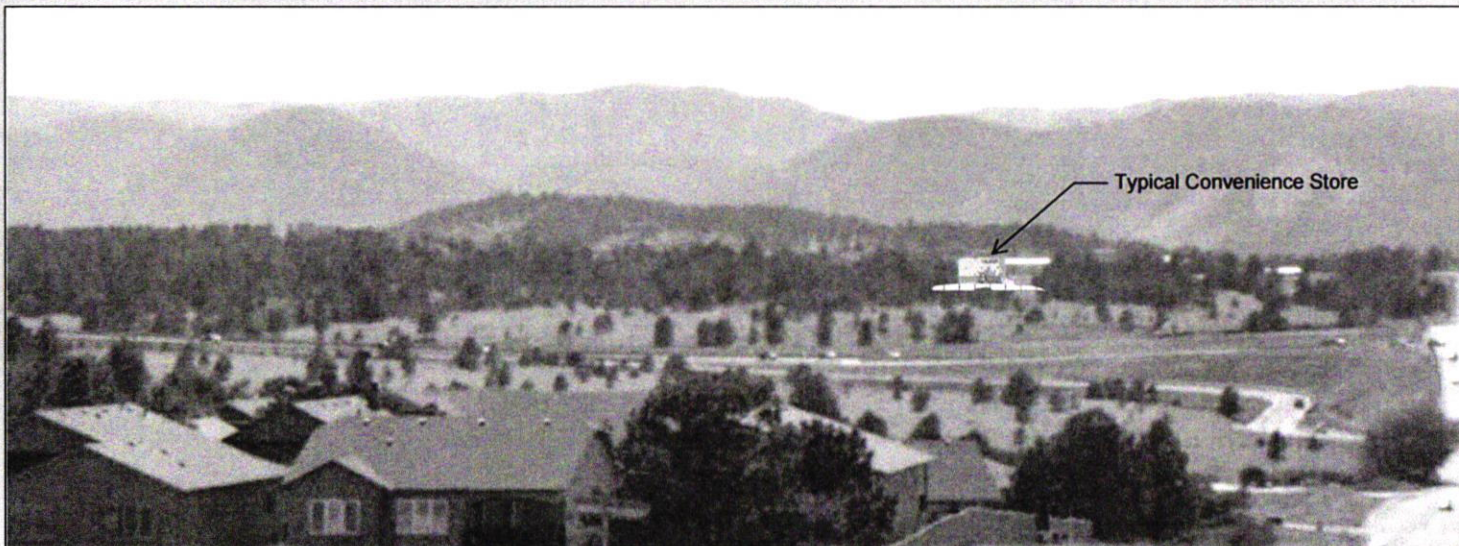
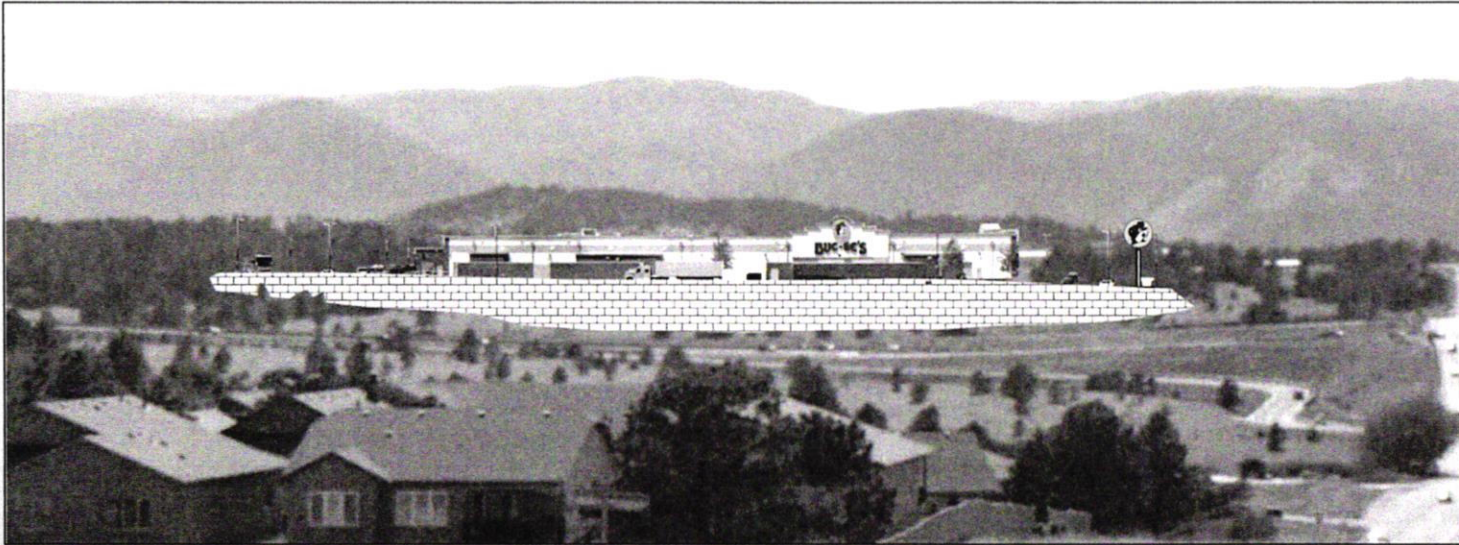
### Circle-K at 613 Meadowbrook Pkwy.

Circle-K Site:  
- 1.74 acres total  
- 30,000 to 60,000 gallon estimated fuel storage  
- 1.2 acres impervious



This image shows the site plan of the proposed Buc-ee's compared to an existing Circle-K convenience store in El Paso County in the same graphic scale for accurate comparison. The Circle-K is the small grey rectangle on the right.

## Buc-ee's is Not Neighborhood-Scale



These conceptual drawings show the difference between the scale of a Buc-ee's at the site on Monument Hill compared to that of a typical convenience store.

As shown, the 31-acre travel center complex is far greater in size than a typical convenience store.

The retaining wall needed to build a Buc-ee's on the sloped site is 1,200 feet long and up to 32 feet high.

[Buc-ee's ADM264/APP261 (2026), Google Maps (2026)]

## Convenience Stores Sell Limited Goods

### LDC Section 1.15:

Convenience Store—An establishment for the purpose of offering for sale to the neighborhood in which it is located such items as **groceries, ready to eat food, over the counter drugs, and sundries**.

A convenience store may include retail sale of gasoline and other petroleum products.

### LDC Table 5-1 Lists as Separate Uses:

- Restaurant
- Bakery (Retail)
- Retail Sales (General)—examples listed in definition include sale of clothing, gifts, shoes, sporting goods, and toys
- Gas stations and truck stops

Groceries  
Ready-to-Eat Food  
Over the Counter Drugs  
Sundries

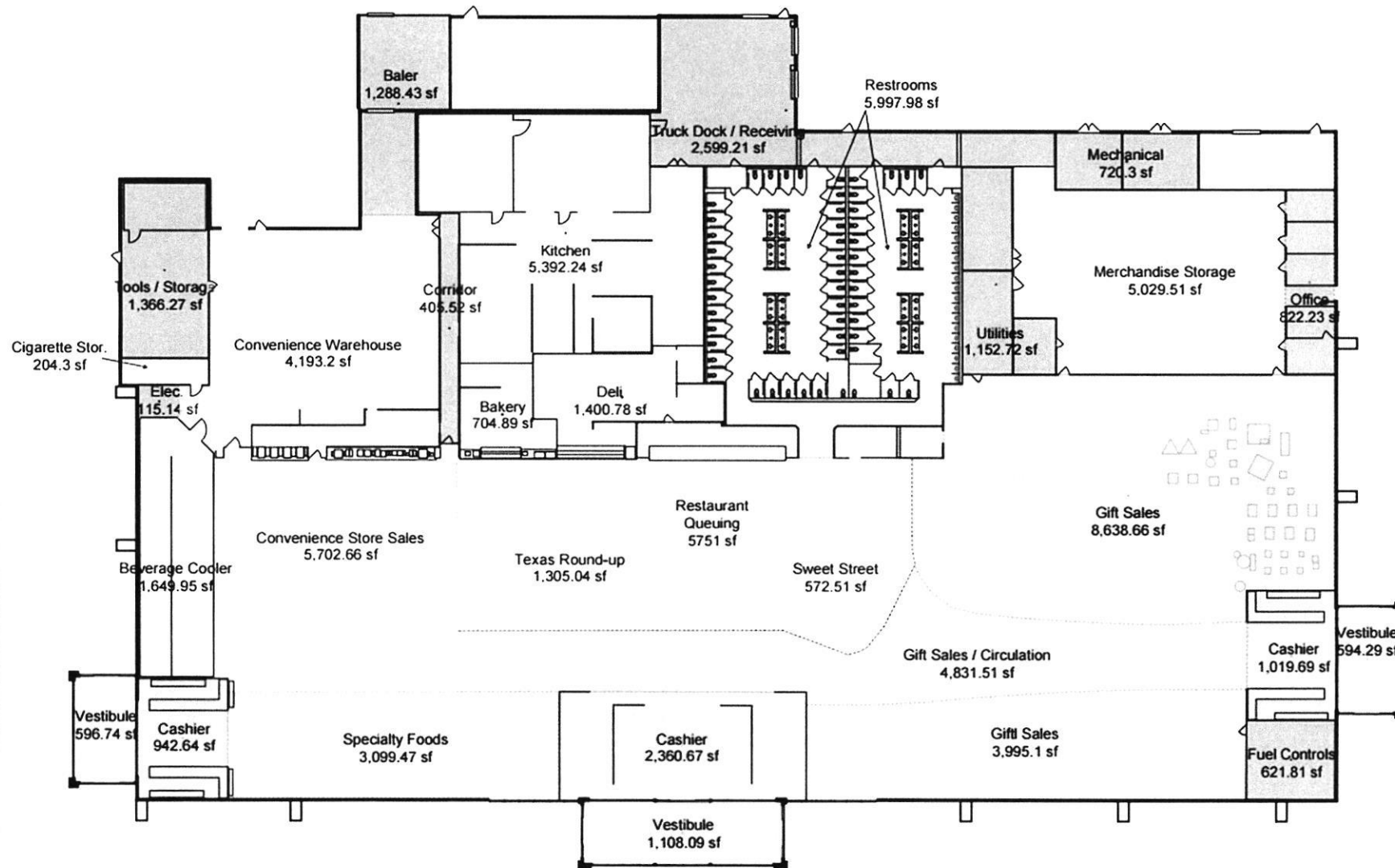
Sundries—miscellaneous small items  
not worth mentioning individually



# Comparison to a Convenience Store

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## Buc-ee's Primary Function is Not Convenience Sales



The Johnstown floor plan shows various uses as described by Buc-ee's. We color coded use categories to show primary functions.

General sales is the largest category at 35 percent of the building.

Kitchen/ Restaurant is the second largest use at 20 percent of the building.

Convenience sales is only 16 percent of the building

[Johnstown (2022) Buc-ee's Plans]

| Section of Store       | Area (sf) | Area (%) |
|------------------------|-----------|----------|
| General Sales          | 25,593    | 35%      |
| Kitchen / Restaurant   | 15,126    | 20%      |
| Convenience Sales      | 11,750    | 16%      |
| Mechanical / Utilities | 8,266     | 11%      |
| Entry / Exit / Cashier | 6,621     | 9%       |
| Bathrooms              | 5,998     | 8%       |
| Office                 | 822       | 1%       |

# Comparison to a Convenience Store

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## Buc-ee's Includes Expansive Retail

Over 25,000 square feet of general retail:

- Clothing sections—women's, children's, men's, shoes, accessories.
- Sporting goods section—fishing poles, tents, sleeping bags, hunting knives.
- Outdoor living—smokers, fire pits, yard décor
- Home goods—kitchen tools, door mats, drinkware sets
- Other retail—toys, puzzles, books, etc.

[Johnstown (2022) Buc-ee's Plans, Buc-ee's (2025) Walkthrough Video]

**"best known for its  
massive locations,  
extensive food and  
retail offerings, and  
quirky brand  
identity..."**

-Buc-ee's v. Hanes Rd. Carryout,  
2026



# Comparison to a Convenience Store

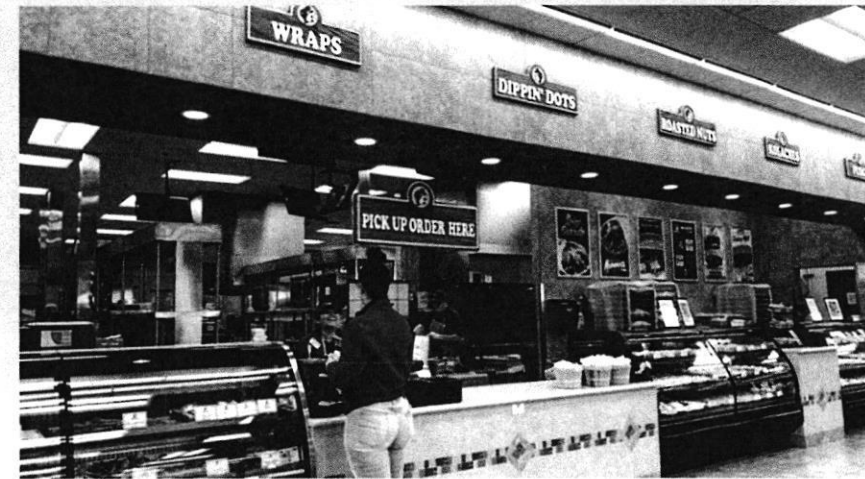
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## Buc-ee's Includes Expansive Food Services

Buc-ee's includes about 15,000 square feet of kitchen, restaurant and bakery space, equivalent to the size of four fast-food restaurants.

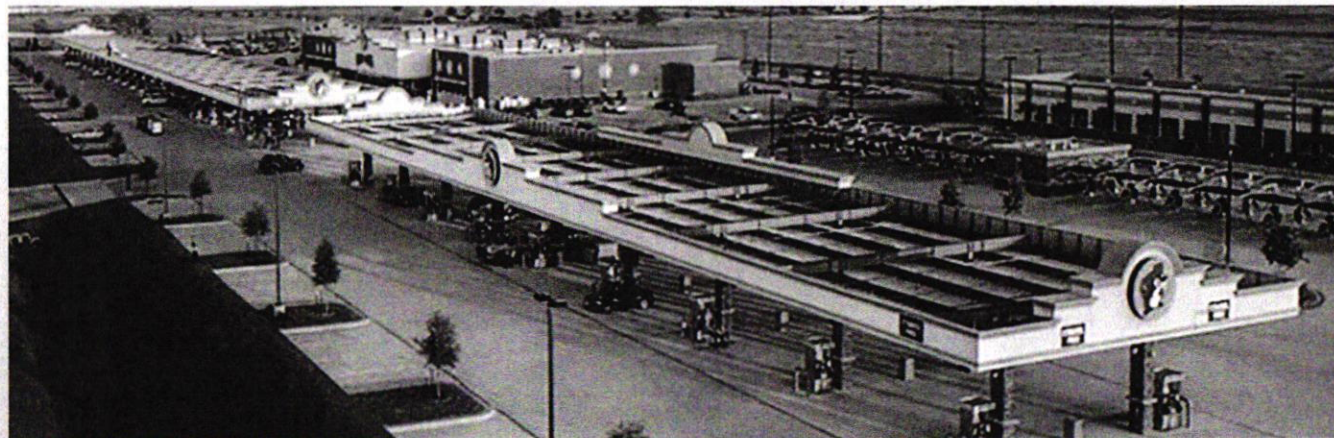
Clockwise from top: Texas Round Up (brisket and other hot and cold food preparation), Burrito/Deli Counter, Retail Bakery, Sweet Street Confectionary.

[Johnstown (2022) Buc-ee's Plans, Buc-ee's (2025) Walkthrough Video]



# Comparison to a Convenience Store

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As shown above, Buc-ee's fueling operations are so large they often require multiple fueling canopies and aerial photography to capture the full size in pictures.

## Buc-ee's Includes Large-Scale Fuel Sales

- Buc-ee's will include 120 fuel pump positions selling gasoline and diesel fuel with the fueling canopy alone covering nearly one-and-a-half acres.
- This will nearly double the number of passenger fuel pumps in the Tri-Lakes Area.

[Buc-ee's ADM264/APP261 (2026), Tri-Lakes Preservation (2026)]

## World's Largest Gas Station

At 120 fuel pumps, the proposed Buc-ee's would have the same number of fuel pumps as the world's largest gas station.

[World Record Academy (2023), Hassan (2025)]

## Applicant Has Not Made a Compelling Case

### Applicant Mischaracterizes Code

- Applicant says I-25 and highway travelers are part of the neighborhood—but Code defines neighborhood as residential areas. I-25 actually separates the neighborhood.
- Applicant suggests convenience stores should serve the general public—but Code says convenience stores are for a neighborhood population.
- Applicant says code does not limit size—this is incorrect, definition establishes qualitative size limit of convenience stores being neighborhood-scale.
- Applicant introduces the term “convenience items” and avoids the actual Code which describes retail sales as “sundries”.
- Applicant claims convenience stores include “general retail merchandise”, which is untrue.

### Applicant Mischaracterizes Project

- Applicant mischaracterizes Buc-ee’s as offering “convenience-oriented retail items”, and omits mention of large retail.
- Applicant mischaracterizes its multiple restaurants and food preparation services as “ready-to-eat” convenience items when these functions span multiple other uses (e.g. restaurant retail bakery).
- Applicant states that its fuel sales will fall under what is allowable for a convenience store. However, fuel sales are only allowed as a qualifying convenience store under the neighborhood limitations. Gas stations and truck stops are classified separately and not allowed in C-1 zone.

# Comparison to a Convenience Store

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## Relevant Code Sections Guide and Support Interpretation

| Code Language                                                                                                                                                                                                                                                                    | Code Application                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LDC Section 1.6.1<br>“The language of the <b>Code shall be read literally</b> ”                                                                                                                                                                                                  | Literal reading informs the customer base as being the neighborhood and a qualitative size limit of neighborhood-scale.                                                                                                                                                                                                                                                                                                                             |
| LDC section 1.14.7<br>“These definitions are not intended to establish regulations, but are intended <b>to define the limits of specific uses</b> and other standards.”                                                                                                          | The definition of a convenience store defines limits of the use, distinguishing it from other uses such as restaurant, bakery, general retail, gas station, or a truck stop.                                                                                                                                                                                                                                                                        |
| LDC section 1.6.6<br>“The listing of any use as being permitted in a particular zoning district shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed.”                                                                    | Excluded functions cannot be added into a zone when they are expressly prohibited. A retail bakery is not an allowed use in the C-1 zone, simply putting one inside a larger building does not make it allowable. Large fueling operations combined with retail and food services are functions reserved for truck stops, which are not allowed in C-1. Fuel sales for the general public are allowed by gas stations, which are prohibited in C-1. |
| LDC section 1.6.7<br>“When a use is expressly defined in this Code, or when a use is categorized by an administrative determination, <b>similar uses which are not listed or defined shall fall within the same category of use by character, descriptor, and intensity...</b> ” | The character and descriptor of a convenience store’s retail and food offerings are groceries, ready to eat food, over the counter drugs, and sundries, with optional fuel sales<br>The intensity is established at a neighborhood-scale.<br>Buc-ee’s four restaurants, expansive retail, and 120 fuel pumps exceed the character, descriptor, and intensity of a convenience store.                                                                |

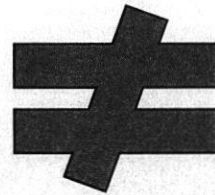
# Not a Convenience Store

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## Buc-ee's Does Not Meet Definition of a Convenience Store Buc-ee's is Not Substantially Similar to a Convenience Store

### Convenience Store

- **Evidentiary Record Must Support:** To show substantial similarity with a convenience store, the record would need to show evidence to overturn the determination.
- **Neighborhood Size and Population Served:** Convenience stores are intended to serve a neighborhood population with a neighborhood-scale qualitative size limit. Low intensity use.
- **Limited Goods and Services:** Convenience stores sell a limited range of goods such as groceries, ready-to-eat foods, over the counter drugs, and sundries, as well as optional fuel sales.



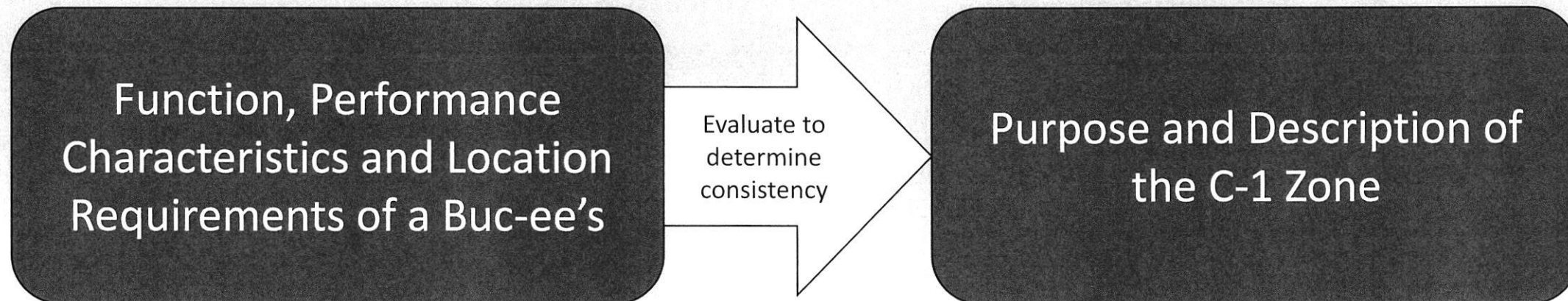
### Buc-ee's

- **Record Does Not Support:** Applicant has not provided evidence to support their request and has mischaracterized their project and the County's own Code.
- **Large-Scale to Serve Interstate Travelers:** Buc-ee's is intended to serve interstate travelers with a large-scale 31-acre facility. High intensity use.
- **Expansive Goods and Services.** Expansive retail, the equivalent of four restaurants/bakeries, and record setting gas station.

## Unlisted Use Must be Consistent with the Proposed Zone

Section 5.3.6(C)(1) Criteria 1:

**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**



## C-1 is an Obsolete Commercial Zone

### How Does the LDC Describe the C-1 Zone?

- An obsolete commercial zone with the lowest allowed building height of any of the commercial zones, obsolete or current.

### How Does C-1 Fit into the Scheme of the LDC?

- C-1 is one of two obsolete commercial zones retained in Code.
- C-1 is contrasted with C-2 Large Commercial Zone that has additional allowed uses and larger allowed building envelope with a 50-foot maximum height.
- C-1 has the more restrictive set of allowed uses when compared to C-2.

### What Do Allowed Uses Say About Purpose and Description?

- No fuel sales before obsolescence.
- Fuel sales added, not to zone, but to definition of convenience store in 2007, allowing neighborhood-scale fueling in C-1 only for convenience stores.
- Gas stations and truck stops (larger-scale fueling to serve the general public) prohibited.

[LDC Section 4.4.1, LDC Section 4.4.2, LDC Table 5-5, Herington (2026)]

### Scheme of the Code

LDC establishes various commercial zones

#### Obsolete Commercial Zones

##### C-1

Commercial

39 Principal  
Uses  
Allowed

30' Max  
Height

##### C-2

LARGE  
Commercial

39 C-1 Uses  
+  
10 Additional  
Uses

50' Max  
Height

# C-1 Zone Consistency Criteria

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## Function

- Large-scale fuel sales
- Large-scale fast-food services
- Large-scale retail sales

Typical convenience store items make up only 16 percent of the retail floorplan.

Large-scale fuel operation is an integral component of a Buc-ee's. The company does not build travel centers without these mega-gas stations.

[Johnstown (2022) Buc-ee's Plans, Buc-ee's ADM264/APP261 (2026 )]

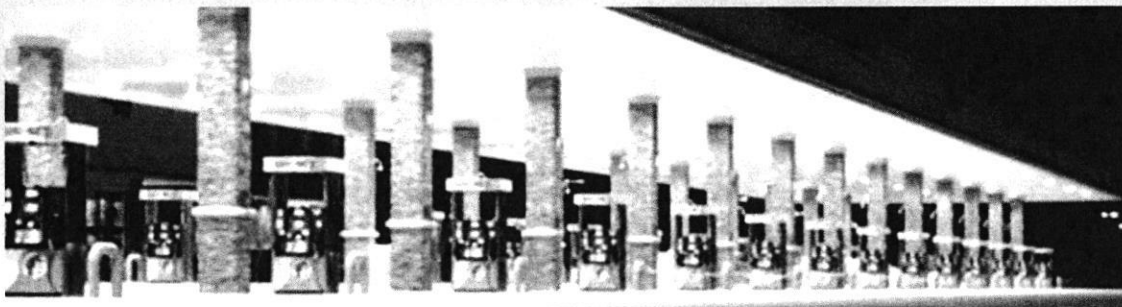
## Performance Characteristics

- Large-scale facility
- High-intensity
- High-traffic and customer volumes.
- 24/7 operation catering to interstate travelers

The applicant estimates 22,150 daily trips. If each vehicle has two to three occupants this would equate to 22,150 to 33,225 customers. This level would likely bring more people to Buc-ee's each day than the current population of the Tri-Lakes area.

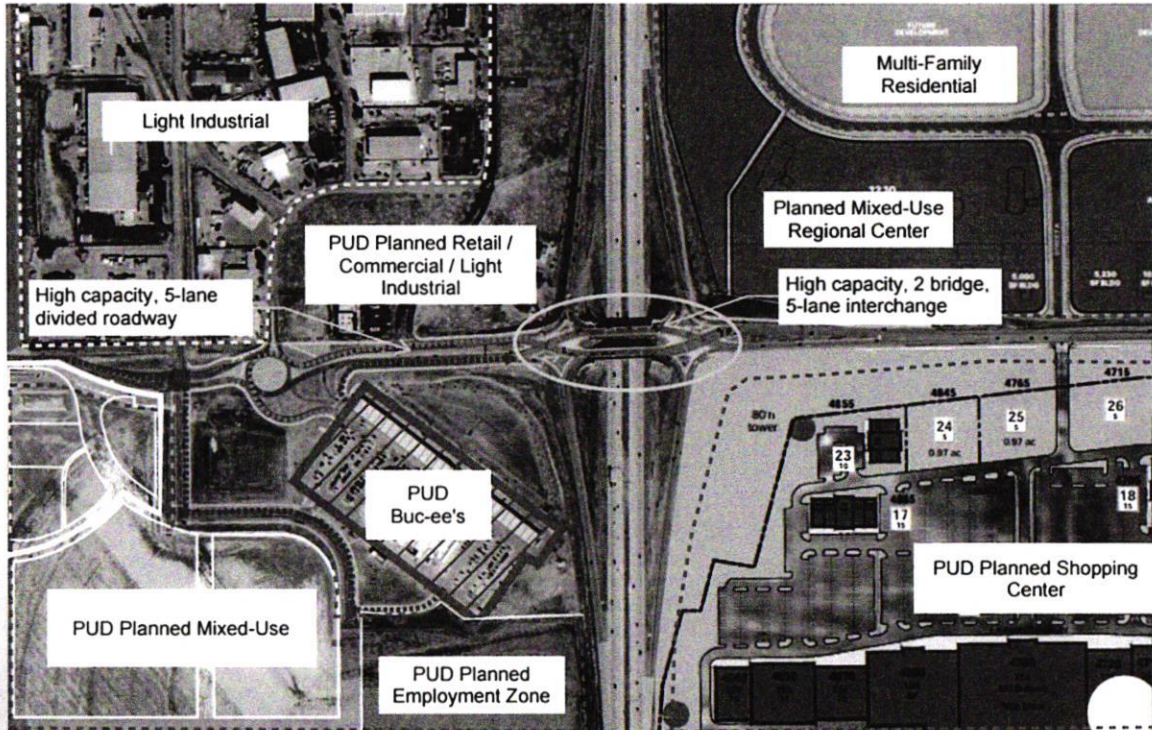
[Kimley-Horn and Associates (2026)]

**22,150 daily  
vehicle trips**



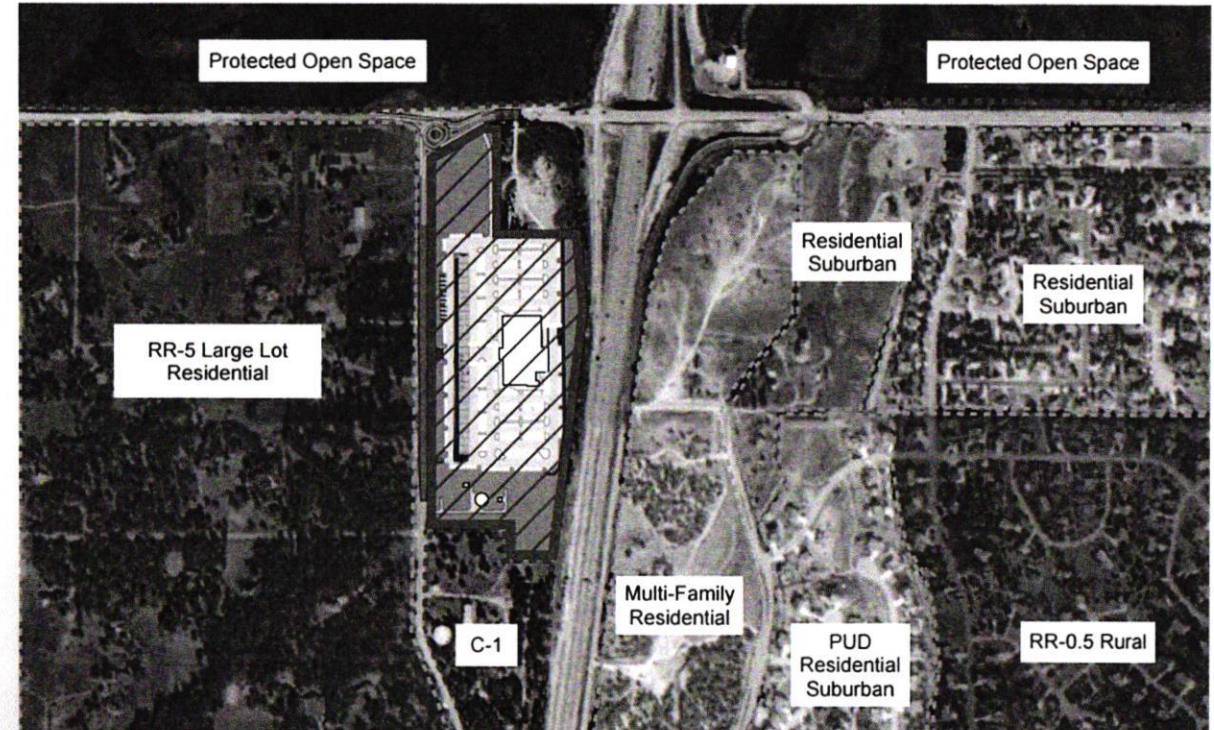
# C-1 Zone Consistency Criteria

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## Johnstown Location Requirements

- Surrounding area zoned primarily commercial with regional centers, employment centers, light industrial, and commercial mixed-use.
- High-capacity transportation infrastructure is in place with a two-bridge overpass, and five lane road divided with a wide median leading to Buc-ee's.
- Site is on municipal services.



## Monument Hill Location Inconsistent

- Surrounding area zoned primarily rural residential.
- High-capacity infrastructure not in place. Interstate interchange, County Line Rd, and Beacon Lite Rd. are not built for high-capacity. Beacon Lite Rd. is a rural connector with driveways entering and exiting directly onto the road.
- No central water service.

## Other Relevant Code Sections Guide and Support Interpretation

| Code Language                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Code Application                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LDC Section 5.3.6(C)(2)</b><br><br>The listing of any use as being allowed in any particular zoning district or overlay zoning district <b>shall be deemed to be an exclusion of the use from any other zoning district</b> , in which the use is not specifically listed.                                                                                                                                                                                      | <b>Large-Scale Fueling Prohibited</b><br><br>C-1 excludes large-scale fuel sales under current code. Applicant's proposed large-scale fueling operation should be deemed an exclusion as this type of use is only allowed in other large commercial zones in the Code. It is therefore prohibited in C-1.                                                                                    |
| <b>LDC Section 5.3.4(B)(1)</b><br><br>Section 5.3.4 is the pathway that exists in the code for a use not allowed in the district to be considered. This is jurisdictional as considering whether a use not explicitly allowed is what the applicant requests.<br><br>"The power of the BoCC to vary the provisions of this Code is permissive, not mandatory, and <b>shall not be exercised in such a way as to frustrate the scheme or intent of this Code.</b> " | <b>Overall Scheme of Code Must be Maintained</b><br><br>The overall scheme and intent of the code must be maintained when considering allowing uses in a zone where they are not clearly allowed.<br><br>In this case, recognizing C-1 as the 'non-large' companion to the C-2 large commercial zone is critical as this is necessary to maintain the overall scheme and intent of the code. |
| <b>LDC section 1.6.7</b><br><br>"...similar uses which are not listed or defined shall fall within the same category of use by <b>character, descriptor, and intensity...</b> "                                                                                                                                                                                                                                                                                    | <b>Character, Descriptor, and Intensity Must be Considered</b><br><br>C-1 zone is a non-large zone sited in an otherwise residential area. It does not support the character, descriptor and intensity of the proposed Buc-ee's.                                                                                                                                                             |

# Zone Consistency Not Established

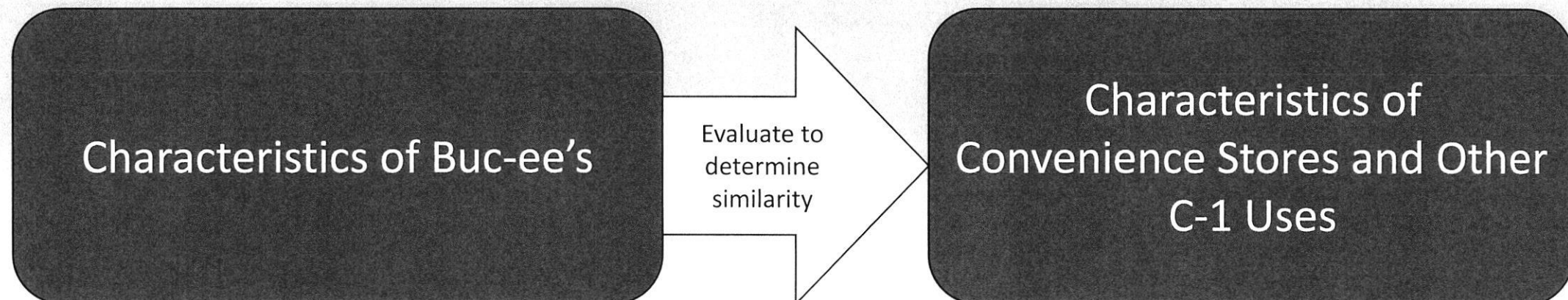
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| Buc-ee's                                                                                                                                                                                                         | C-1 Zone                                                                                                                                                                                                   | Consistent? |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <b>Function</b>                                                                                                                                                                                                  |                                                                                                                                                                                                            |             |
| Buc-ee's function is a large-scale integrated travel center facility. It includes large-scale fuel sales with over an acre of fueling area housing 120 fuel pump positions selling both gasoline and diesel fuel | C-1 prohibited all fuel sales before becoming obsolete.<br><br>Current code limits fuel sales to neighborhood-scale as part of a convenience store, gas stations and truck stops are prohibited.           | No.         |
| <b>Performance Characteristics</b>                                                                                                                                                                               |                                                                                                                                                                                                            |             |
| Large-scale, high-intensity facility, 24/7 operation, high traffic and customer volumes.                                                                                                                         | C-1 is non-large, restrictive commercial obsolete zone.                                                                                                                                                    | No.         |
| <b>Location Requirements</b>                                                                                                                                                                                     |                                                                                                                                                                                                            |             |
| Large-scale commercial zone with high-capacity infrastructure.                                                                                                                                                   | C-1 is not a large-scale commercial zone and location is primarily residential.<br><br>High-capacity infrastructure unavailable. No central water, existing transportation infrastructure is insufficient. | No.         |

## Unlisted Use Must Have Similar Characteristics with Allowed Uses

### Section 5.3.6(C)(1) Criteria 2:

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.



## Applicant's Analysis is Flawed

Applicant's analysis contains errors, omissions, and mischaracterizations

- Applicant asks to be considered similar to a convenience store, **but fails to compare Buc-ee's to a convenience store.**
- Analysis focuses on expanded versions of other uses, such as development of full shopping centers, which are not a permitted use in the C-1 zone.
- Many of applicant's examples are inconsistent with the C-1 zone's 30-foot height limit.

**'Convenience store' is missing from applicant's analysis**

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

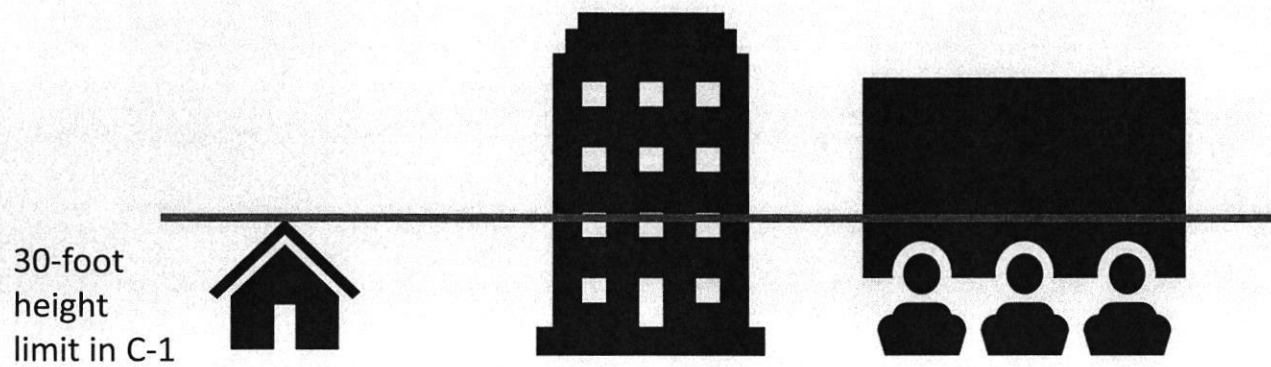
- **Indoor Amusement Centers** (e.g. Skyzone, shooting range, health club)
- **Bar**
- Barber/Beauty Shop
- Billiard Parlor
- Car Wash
- Child Care Center
- Club
- Small Cell CMRS Facility
- Stealth CMRS Facility
- **Commercial or Retail as Part of Overall Shopping Center** (e.g. Falcon Marketplace, Polaris Pointe)
- Copy Shop
- **Public Educational Institution**
- **Public Emergency Facility**
- Financial Institution
- Funeral Home
- **Hotel (e.g. Great Wolf Lodge)**
- Inert Material Disposal Site
- **Major Kennel**
- Minor Kennel
- **Laboratory**
- Liquor Store
- Medical Marijuana Land Use
- Retail Nursery
- General Office
- Over the Air Reception Devices

## Applicant's Analysis is Flawed

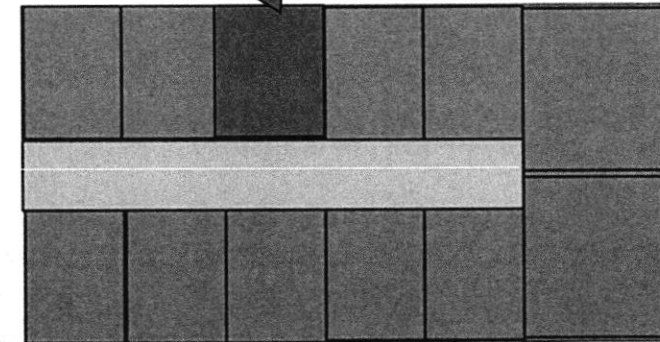
Applicant compares Buc-ee's to hypothetical scenarios that would not be permitted in C-1 zone.

- Applicant's first two comparison scenarios are shopping centers.
  - Table 5-1 clearly shows that shopping centers are not an allowed use in C-1 zone.
  - The C-1 zone allows commercial or retail AS PART OF an overall shopping center.
  - C-1 does not allow for a full shopping center to be built, thus the applicant's full shopping center scenarios do not establish an allowed C-1 comparator.
- Third scenario is a 9000-seat concert venue, but this does not fit the dimensional use standards limiting building height to 30 feet in a C-1 zone. For example, the applicant cites the Broadmoor World Arena, which has an interior height of 79 and an even higher total building height.

[Buc-ee's ADM264/APP261 (2026), Broadmoor World Arena Production Guide (2025)]



C-1 allows a commercial parcel **as part of** a shopping center



C-1 prohibits development of a full shopping center

# Similar Characteristics Criteria

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## Applicant's Analysis Does Not Establish Substantial Similarity



The applicant states that Buc-ee's would have 22,150 daily vehicle trips, but the applicant does not compare this characteristic to a convenience store.

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The applicant compares to the traffic of a hypothetical 9000-seat concert venue (not within the C-1 height limit) and large full shopping center developments (not permitted in C-1 zone).

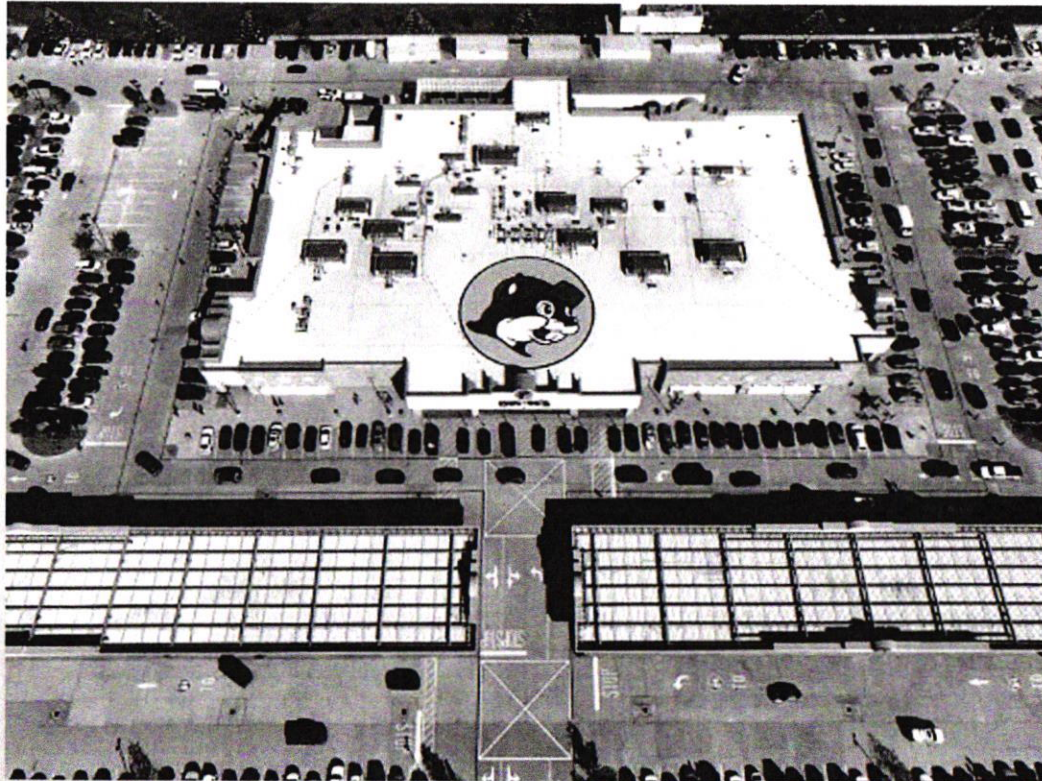
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The applicant then concludes that because Buc-ee's would have twice as much traffic as a concert arena, or about as much as a very large-shopping center that this somehow should mean that Buc-ee's is similar to a convenience store. **This series of comparisons does not establish substantial similarity.**

The applicant does not establish substantial similarity with its requested classification of a convenience store. The traffic characteristic—the only characteristic studied by the applicant—does not present a comparison with a convenience store. Instead, the applicant compares the traffic to what it claims are other allowed uses in C-1, but those are not actually permitted. By not comparing to a convenience store or permitted C-1 use, the applicant's analysis does not demonstrate similar characteristics or meet the threshold of establishing substantial similarity with an allowed use.

## Overall Project Characteristics



### Large-Scale Facility

- 31-acre complex
- 17.5 acres of impervious surface
- 812 parking spaces

### Large-Scale Gas Station

- About 240,000 gallons of fuel storage
- 120 fuel pump positions

### Sizable General Retail

- 25,000 sqft. of general retail

### Equivalent of Four Food Establishments

- 15,000 sqft. of restaurant, bakery, and kitchen spaces

### Convenience Retail

- 11,750 sqft. of convenience goods

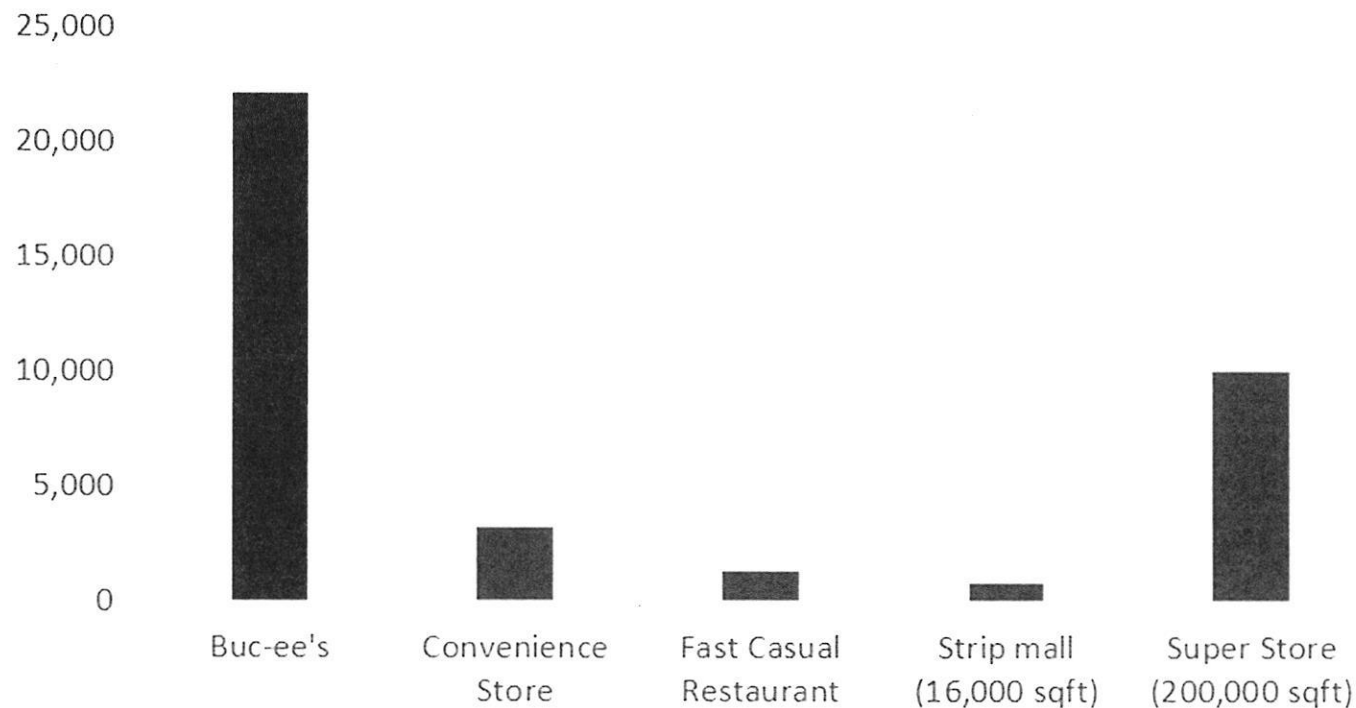
[Buc-ee's ADM264/APP261 (2026), Johnstown (2022) Buc-ee's Plans]

"The proposed facility includes a combination of characteristics, impacts, and design elements that are mixed and uncommon within unincorporated El Paso County"

-Meggan Herington (2026) Administrative Determination Letter

## Traffic Characteristics Far Greater Than Convenience Store

Buc-ee's Daily Trip Comparison



Buc-ee's will have nearly seven times the traffic the applicant's own engineer estimates for a C-1 compliant convenience store of 5,000 square feet and 16 fueling positions.

Traffic will be more than twice that of a 200,000 square foot super center store (larger than a typical Costco or Walmart Super Center) according to the data from the applicant's traffic engineer.

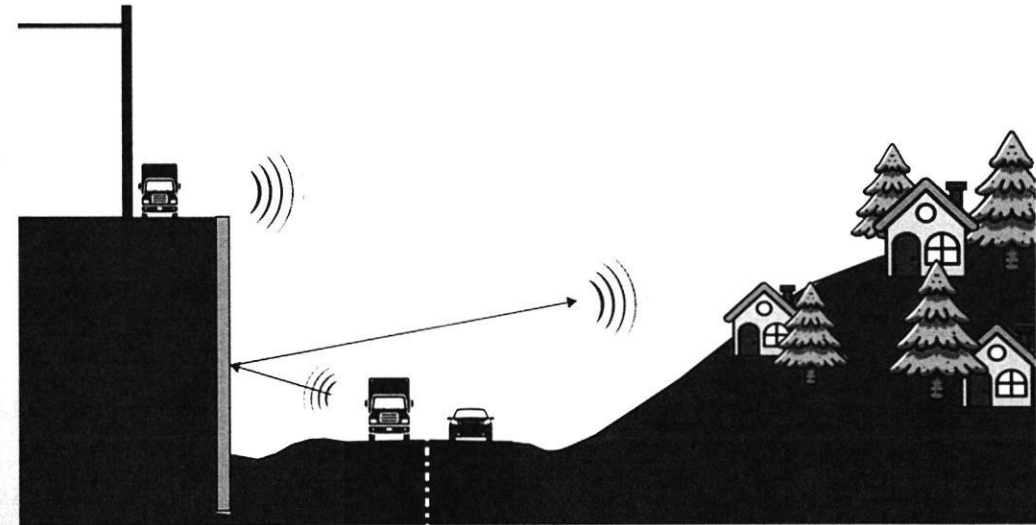
[Kimley-Horn and Associates (2026)]

While the applicant does not address this in the narrative letter part of their submission, their own traffic data shows that the proposed Buc-ee's does not have characteristics similar to a convenience store.

## Characteristics Applicant Failed to Study

Applicant makes unsupported claims that characteristics will be similar to an allowed use, but presents no evidence to address these claims. Certain potentially relevant characteristics include:

- Impact to emergency egress for the Tri-Lakes community.
- Traffic safety risks near homes, schools, and parks on nearby connectors that could see increased traffic, especially during I-25 congestion or closures.
- Transportation infrastructure needs and impacts during actual peak times such as holiday travel weekends.
- Transportation infrastructure needs to the broader network resulting from increased trips combined with potentially frequent I-25 closures for accidents or weather.
- Potential water quality impacts from 120 fuel pumps and hundreds of thousands of gallons of underground fuel storage.
- Impact to wildlife and usage of the new wildlife crossing and whether that will result in increased wildlife collisions.
- Traffic noise.



The applicant makes an unsupported assertion that noise levels will be similar to allowed uses, and does not quantify these claims with acoustical studies. The applicant's unsupported assertions about noise levels do not address questions about traffic noise or the need for soundwalls that the BoCC previously raised during its informational meeting about this project during the Palmer Lake annexation process. Because a typical convenience store would not require a 1,200 foot long, 32-foot-high retaining wall it is reasonable to question how this feature might result in differing characteristics and impacts.

[Board of County Commissioners (2025)]

## Other Relevant Code Sections Guide and Support Interpretation

| Code Language                                                                                                                                                                                                                                                     | Code Application                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Section 5.3.6(E)</p> <p>Limits similar-use interpretations to “substantially similar” uses</p>                                                                                                                                                                 | <p>5.3.6 Analysis Should Evaluate the Compared Use</p> <ul style="list-style-type: none"><li>• Applicant fails to compare travel center to convenience store in analysis, yet asks to be classified as a convenience store.</li><li>• Proposed travel center is not “substantially similar” when compared to the 1.15 definition of a convenience store.</li></ul>                                                                                                        |
| <p>Section 1.6.7</p> <p>“...similar uses which are not listed or defined shall fall within the same category of use by character, descriptor, and intensity...”</p>                                                                                               | <p>Must Align with Character, Descriptor, and Intensity</p> <ul style="list-style-type: none"><li>• Buc-ee’s does not align with the character, descriptor, and intensity of a convenience store, the C-1 zone, or any use in unincorporated El Paso County identified by the PCD Director.</li></ul>                                                                                                                                                                     |
| <p>Section 5.3.6(C)(2)</p> <p>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.</p> | <p>Characteristics Must Not Include Excluded Uses</p> <ul style="list-style-type: none"><li>• Buc-ee’s includes large-scale retail fuel sales and associated storage tanks, but large-scale fueling is a function reserved for truck stops and potentially gas stations, both of which are excluded uses in a C-1 zone.</li><li>• Applicant relies on comparisons to shopping centers, but these are excluded uses in the C-1 zone making the analysis invalid.</li></ul> |

# Characteristics Criteria Not Met

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## **Record shows criteria are not met**

- Applicant did not describe characteristics beyond limited traffic study.
- Applicant did not compare characteristics to a convenience store.

## **Traffic characteristics identified by applicant prove inconsistency**

- Applicant's own data shows that Buc-ee's will have traffic of a fundamentally different scale than a convenience store—nearly seven times more trips.

## **Many potential characteristics have not been evaluated**

Applicant Has Not Shown Substantial Similarity with a Convenience Store

Applicant's Own Data Shows Buc-ee's Would be High-Intensity

Unstudied Characteristics Pose Serious Safety and Cost Risks

## Record Supports Denial of Appeal

### Criteria Not Satisfied

- The proposal does not meet the 'for the purpose of serving the neighborhood in which it is located' clause of the definition. It also exceeds the retail uses defined in Code by offering extensive restaurant and retail options beyond what is common for a convenience store.
- The huge scale, high-intensity use, and 24/7 nature of operations are not consistent with the location or purpose and description of the C-1 zoning district.
- The traffic characteristics far exceed those of other allowed uses.
- There are many other characteristics that have not been studied by the applicant. Unsupported claims on other characteristics do not take the place of factual evidence on the compatibility and similarity of the use.
- The evidence presented by the applicant does not establish substantial similarity with a convenience store or other allowed use in a C-1 zone.

**Leave PCD Director's  
Determination  
Undisturbed**

**Rezoning Process  
Available**

**Proper Classification of  
Travel Center Still  
Needed**

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