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Jessica Merriam

From: PLNWEB
Sent: Wednesday, August 26, 2026 8:18 AM
To: Jessica Merriam
Subject: FW: Written Evidence for Buc'ees Public Hearing
Attachments: Buc'ees letter.pdf



Gayle Jackson

Administrative Assistant

El Paso County | Planning and Community Development

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From: Aaron Roberts <aaron.roberts@horrocks.com>

Sent: Tuesday, August 25, 2026 9:38 PM

To: PLNWEB <PLNWEB@elpasoco.com>

Cc: Aaron Roberts <aarroberts@yahoo.com>

Subject: Written Evidence for Buc'ees Public Hearing

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Mark Safe

Report

El Paso County Digital, Strategy & Technology (DST)

Dear Sir or Madam:

I would like to submit this letter as a citizen of El Paso County for the Buc'ees Public Hearing. Please let me know when this has been added to the public record and please let me know if you have any questions. Thank you.

Aaron Roberts, P.E., CFM, ENV SP

Colorado/Innovative Pursuits Water Resources Practice Director



Phone: 317-524-8560

Email: Aaron.Roberts@horrocks.com

August 25, 2026

El Paso County Board of Commissioners
Centennial Hall
200 S. Cascade Avenue
Colorado Springs, CO 80903

SUBJECT: Buc-ee's Public Hearing

Dear County Commissioners:

I am writing this letter as written evidence for several issues that many will bring up at the public hearing. I am a 21-year civil/environmental engineering professional that is a technical expert in roadway/traffic analysis, water resources, and environmental studies. I have completed over 100 projects that required coordination with several federal and state agencies, so I am familiar with environmental constraints and project issues that arise during design and construction. I am writing this as a private citizen of El Paso County to state in my professional opinion that the previous traffic impact analysis and water resources study show that there is "No Significant Impact" to the water supply and traffic projections if Buc-ees was to build and operate their business on the proposed site.

I have carefully read and analyzed the Traffic Impact Analysis (TIA) by Stolfus and Associates, Inc. In my professional judgement if no improvements to the intersection are completed then CR 105 and IH 25 will see a Level of Service – F. This will mean traffic will see stop and go conditions and extreme congestion. With Buc-ee's proposing improvements to the intersection, the intersection will operate better. So, the argument that Buc-ee's will make the traffic conditions worse is false. Evidence is seen in the 2024 Kimley Horn Traffic Impact Analysis and the Stolfus report. Both reports align with their findings and show that the intersection will be improved by Buc'ees and not impacted negatively by the upgrades that are necessary to the intersection.

I have also read the Water Resources Report completed by GMS Inc. Consulting Engineers. In my professional expert opinion, the report is thorough with information that was available and the results show that Buc'ees will have "No Significant Impact" on water usage in the project vicinity. The Arapahoe and Denver Aquifers show usage can be sustained for the next 100 years. Several studies have been inconclusive due to the lack of data provided by some water districts as to usage in the area, but the aquifer at this time shows within the projected future to be sustainable. Buc'ees will not use surface water and only use groundwater from a confined aquifer so snowpack and rain would have no impact on their water usage or effects on others in the surrounding area. The water study recommends that Buc'ees assist the area with water issues if alternative sources are needed in the future such as surface water distance piping. The water usage for Buc'ees is conservatively approximated to be 11 MG per year. This number is a "worst-case" scenario and in my professional opinion the reality will be slightly lower (maybe 8.5-9 MG/year based on comparable water usage projects I have seen). I know that several have voiced concerns over water usage, but there is not unbiased evidence of this and studies contradict the concerns. A car wash can use up to 17 MG/year (large tunnel car wash), a golf course uses 20-114 MG/year (depending on location, climate, and size), and large hotels (like Hotel Polaris) use 15 MG/year (per EPA projections). This starts to paint a more realistic and truthful story that water issues should be addressed by other larger development in the Monument area than any water usage from the Buc'ees location near Palmer Lake.

Other environmental constraints such as Threatened and Endangered Species or Critical Wildlife Habitat, Drainage, Noise, Lighting, Security/Safety, etc. show to have "No Significant Impact" as well. I have completed numerous Environmental Assessments for federally funded projects. If this project was a city or county project with federal funds, it would be completed under an Environmental Assessment with a Finding of No Significant Impact (FONSI). I will attach to this letter:

- 1.) A National Wetlands Inventory (NWI) map showing a small stream that would be a non-jurisdictional waterway
- 2.) A FEMA FIRMette showing no floodplains in the vicinity
- 3.) An IPaC review showing a map and printout that no critical wildlife habitat is in the area.

Lighting has not been selected and can easily be modified for warm lighting and low LED lighting with down pointing cobra heads. Security will be available and generally Buc'ees have a history of being much safer than truck stops (due to no truck access and no semi activity). Water and drainage will be improved by grading properly and installing stormwater conveyance.

Overall, by looking at this area, it is an ideal location for development to minimize impacts and maximize the benefits. The Buc'ees will generate high paying jobs, tax revenue, and a willing partner to help with the future infrastructure concerns of El Paso County. I have no affiliation with Buc'ees and get no benefit from writing this. I felt it was my duty as a professional engineer and technical expert in disputed areas to clear up any confusion or misinformation that may be stated in the public hearing. I know a lot has been stated and happened, but it is important to respect the reports and studies that have been completed professionally by licensed engineers and know that they have taken an oath to help the greater good of the public and uphold the highest ethical and technical standards. Several have tried to accuse and dispute these professionals, and this is unacceptable. I know that this hearing is about rezoning and that is the issue, but others will take this opportunity to make assumptions of issues that are not founded in fact or in some cases reason. My understanding is that the previous zoning was obsolete and not complete or detailed enough. In development, I can see how this is concerning, but I can assure you that the pictures that others may try to paint are not accurate to what a Buc'ees will provide. I have done numerous roadways, water distribution, and drainage projects in Texas where I had to coordinate with Buc'ees and they were always helpful, thorough, and professional. They showed interest in the projects (mostly intersection improvements and roadway projects). They did in fact act as "the local convenience store" to many in the location of the project (several were in rural and suburban Texas like Waller, Luling, Bastrop, etc.). Personally, I formerly lived by a Buc'ees long ago in Texas and they were NOT a truck stop or gas station. They function was specifically a convenience store.

Thank you for taking the time to read this letter. If you have further questions from me, feel free to reach out and contact me and I would be happy to discuss them further.

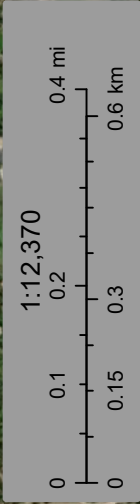
Sincerely,



Aaron Ray Roberts, P.E, CFM, ENV SP
Colorado PE Number: 0058012
Professional Engineer/Senior Project Manager
P: 317-524-8560 | E: AaRRoberts@yahoo.com



National Wetlands Inventory



Wetlands

- base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Flood Hazard Layer FIRMette



104°52'18"W 39°7'56"N



104°51'40"W 39°7'28"N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS



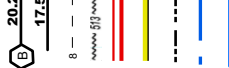
OTHER AREAS OF FLOOD HAZARD



OTHER AREAS



OTHER FEATURES



MAP PANELS



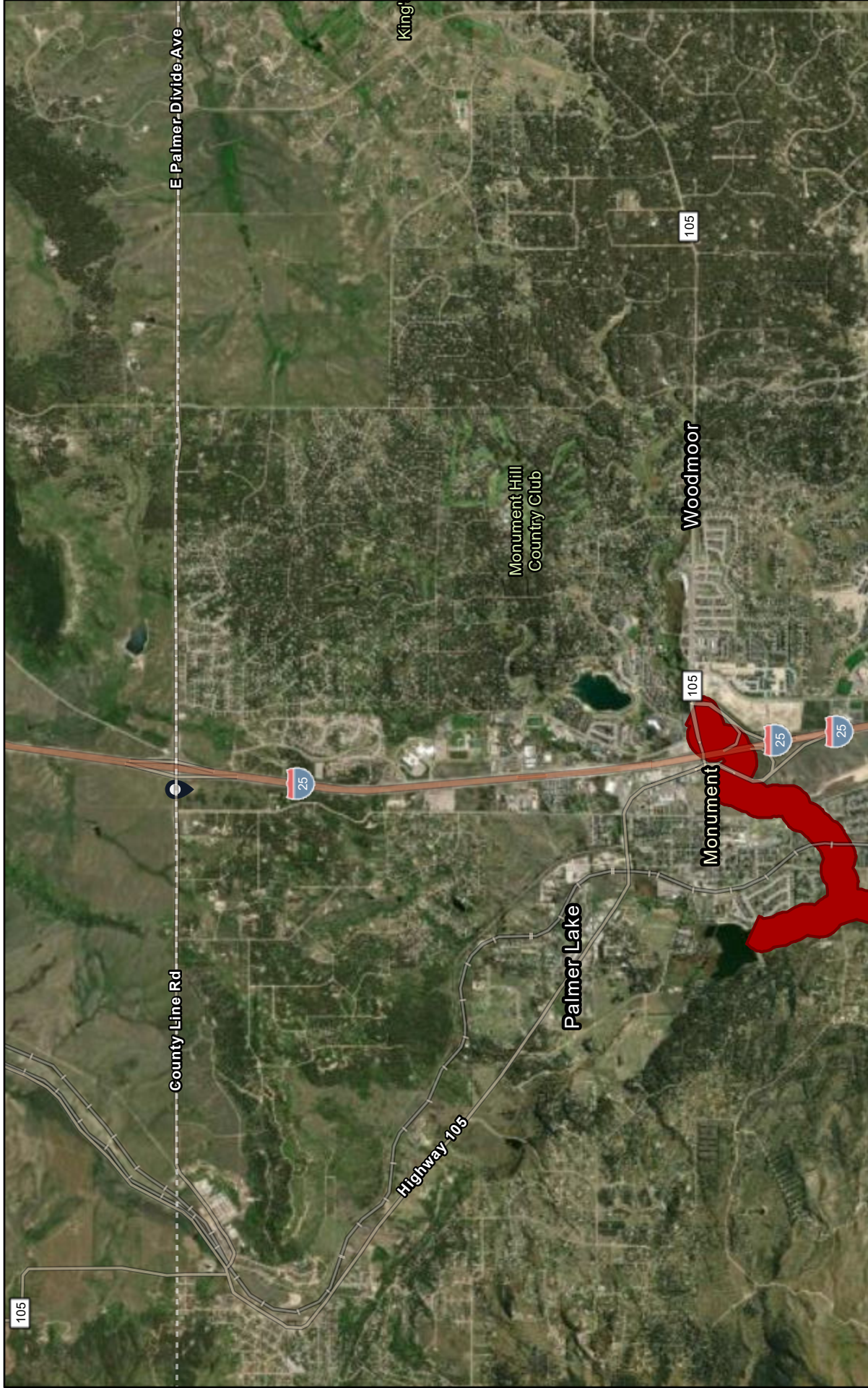
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **8/26/2026 at 1:55 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Wildlife Critical Habitat



8/25/2026

Final Critical Habitat Features



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, U.S. Fish and Wildlife Service,

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

El Paso County, Colorado



Local office

Colorado Ecological Services Field Office

☎ (303) 236-4773

📠 (303) 236-4005

MAILING ADDRESS

Denver Federal Center

P.O. Box 25486

Denver, CO 80225-0486

PHYSICAL ADDRESS

1 Denver Federal Center

Bldg 53 Room Fw100}

Denver, CO 80225-0001

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Preble's meadow jumping mouse <i>Zapus hudsonius preblei</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/4090	Threatened

Birds

NAME	STATUS
Eastern Black rail <i>Laterallus jamaicensis jamaicensis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10477	Threatened
Piping Plover <i>Charadrius melodus</i> This species only needs to be considered if the following condition applies: • Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska. There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/6039	Threatened
Whooping crane <i>Grus americana</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/758	Endangered

Fishes

NAME	STATUS
Pallid sturgeon <i>Scaphirhynchus albus</i> Wherever found This species only needs to be considered if the following condition applies: Water depletions in the Platte River basin adversely affect this species, it must be considered even outside of occupied range. No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7162	Endangered

Insects

NAME	STATUS
Monarch butterfly <i>Danaus plexippus</i> Wherever found There is proposed critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Suckley's cuckoo bumble bee <i>Bombus suckleyi</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10885	Proposed Endangered

Flowering Plants

NAME	STATUS
Ute ladies'-tresses <i>Spiranthes diluvialis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2159	Threatened
Western prairie fringed Orchid <i>Platanthera praeclara</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1669	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their nests, should follow appropriate regulations and implement required avoidance and minimization measures, as described in the various links on this page.

The [data](#) in this location indicates that no eagles have been observed in this area. This does not mean eagles are not present in your project area, especially if the area is difficult to survey. Please review the 'Steps to Take When No Results Are Returned' section of the [Supplemental Information on Migratory Birds and Eagles document](#) to determine if your project is in a poorly surveyed area. If it is, you may need to rely on other resources to determine if eagles may be present (e.g. your local FWS field office, state surveys, your own surveys).

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>

- Nationwide avoidance and minimization measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

Bald & Golden Eagles FAQs

What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are an eagle ([Bald and Golden Eagle Protection Act](#) requirements may apply).

Proper interpretation and use of your eagle report

On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort line or no data line (red horizontal) means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide you in knowing when to implement avoidance and minimization measures to eliminate or reduce potential impacts from your project activities or get the appropriate permits should presence be confirmed.

How do I know if eagles are breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the [RAIL Tool](#) and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If an eagle on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Migratory birds

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>

- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

Measures for Proactively Minimizing Migratory Bird Impacts

Your IPaC Migratory Bird list showcases [birds of concern](#), including [Birds of Conservation Concern \(BCC\)](#), in your project location. This is not a comprehensive list of all birds found in your project area. However, you can help proactively minimize significant impacts to all birds at your project location by implementing the measures in the [Nationwide avoidance and minimization measures for birds](#) document, and any other project-specific avoidance and minimization measures suggested at the link [Measures for avoiding and minimizing impacts to birds](#) for the birds of concern on your list below.

Ensure Your Migratory Bird List is Accurate and Complete

If your project area is in a poorly surveyed area, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles document](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME	BREEDING SEASON
Broad-tailed Hummingbird <i>Selasphorus platycercus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 25 to Aug 21
Ferruginous Hawk <i>Buteo regalis</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/6038	Breeds Mar 15 to Aug 15
Northern Harrier <i>Circus hudsonius</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8350	Breeds Apr 1 to Sep 15

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (I)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

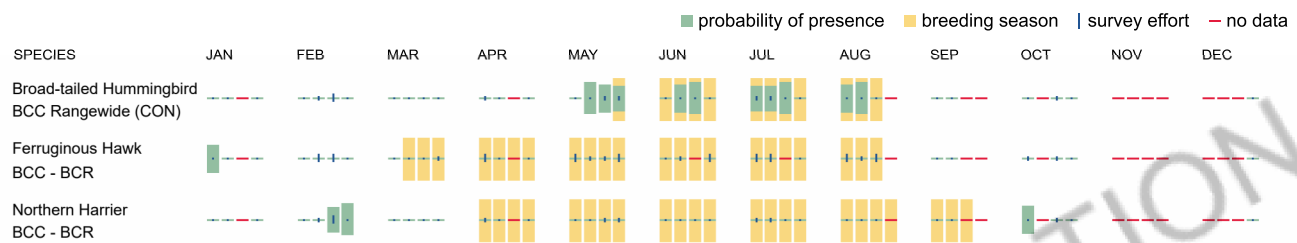
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Migratory Bird FAQs

Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Avoidance & Minimization Measures for Birds](#) describes measures that can help avoid and minimize impacts to all birds at any location year-round. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is one of the most effective ways to minimize impacts. To see when birds are most likely to occur and breed in your project area, view the Probability of Presence Summary. [Additional measures or permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location, such as those listed under the Endangered Species Act or the [Bald and Golden Eagle Protection Act](#) and those species marked as "Vulnerable". See the FAQ "What are the levels of concern for migratory birds?" for more information on the levels of concern covered in the IPaC migratory bird species list.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) with which your project intersects. These species have been identified as warranting special attention because they are BCC species in that area, an eagle ([Bald and Golden Eagle Protection Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, and to verify survey effort when no results present, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

Why are subspecies showing up on my list?

Subspecies profiles are included on the list of species present in your project area because observations in the AKN for **the species** are being detected. If the species are present, that means that the subspecies may also be present. If a subspecies shows up on your list, you may need to rely on other resources to determine if that subspecies may be present (e.g. your local FWS field office, state surveys, your own surveys).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the [RAIL Tool](#) and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Bald and Golden Eagle Protection Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially BCC species. For more information on avoidance and minimization measures you can implement to help avoid and minimize migratory bird impacts, please see the FAQ "Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Proper interpretation and use of your migratory bird report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list does not represent all birds present in your project area. It is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide implementation of avoidance and minimization measures to eliminate or reduce potential impacts from your project activities, should presence be confirmed. To learn more about avoidance and minimization measures, visit the FAQ "Tell me about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

RIVERINE
[R4SBC](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Jessica Merriam

From: Meggan Herington
Sent: Sunday, August 23, 2026 5:11 PM
To: Jessica Merriam
Subject: FW: Legal Letter Re: Request for Determination of Use for Proposed Buc-ee's Development in the C-1 (Commercial) Zoning District (ADM264/APP261)
Attachments: Legal Letter to El Paso County Board of County Commissioners-ADM264-APP261.pdf

I think this was also sent to PLNweb. I guess we can just put this in the support pile.



Meggan Herington, AICP

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

From: mcshaneb@gtlaw.com <mcshaneb@gtlaw.com>
Sent: Friday, August 21, 2026 5:07 PM
To: "Undisclosed recipients:"@mx0b-0006f202.pphosted.com
Subject: Legal Letter Re: Request for Determination of Use for Proposed Buc-ee's Development in the C-1 (Commercial) Zoning District (ADM264/APP261)

CAUTION: This email originated from outside the El Paso County technology network.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Chair Geitner and Members of the Board:

On behalf of Buc-ee's EPCO, LLC, please find the attached letter regarding the pending Administrative Determination appeal for the proposed Buc-ee's development. We respectfully submit this letter for your consideration in advance of the upcoming hearing.

Thank you for your consideration.

Respectfully,

Brady R. McShane

Brady R. McShane
Shareholder

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If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Brady R. McShane
(303) 685-7405
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August 21, 2026

Via Email: PLNweb@ElPasoCo.com; coryapplegate@elpasoco.com;
carriegeitner@elpasoco.com; laurennelson@elpasoco.com; hollywilliams@elpasoco.com;
billwysong@elpasoco.com

El Paso County Board of County Commissioners
Centennial Hall
200 South Cascade Avenue, Suite 150
Colorado Springs, CO 80903

Re: Request for Determination of Use for Proposed Buc-ee's Development in the C-1 (Commercial) Zoning District (ADM264/APP261)

Dear Chair Geitner and Members of the Board of County Commissioners:

This law firm represents Buc-ee's EPCO, LLC ("Buc-ee's") in connection with its request for an Administrative Determination confirming that the proposed Buc-ee's use is permitted in the existing C-1 (Commercial) zoning district. Buc-ee's has appealed the Planning and Community Development Director's determination to the Board of County Commissioners ("BoCC") pursuant to El Paso County Land Development Code ("Code") Section 5.3.6(F).¹ Buc-ee's respectfully requests that the BoCC approve the requested Use Determination because the proposed use qualifies as a Convenience Store under the Code and, independently, satisfies the Code-required criteria for designation as a similar permitted commercial use in the C-1 zoning district.

As an initial matter, on behalf of our client, we thank El Paso County ("County") staff and the BoCC for the substantial time and care devoted to reviewing Buc-ee's application and the extensive materials submitted in support of it. We also appreciate the effort reflected in the County's August 20, 2026 Staff Report, which provides the BoCC with additional background information and identifies the Code provisions governing this appeal. This letter summarizes the principal reasons the requested determination should be approved, as further detailed in Buc-ee's Administrative Determination application.

At its core, this matter implicates a fundamental private property right: the right of a landowner to develop commercially-zoned property on Interstate 25 with a use permitted by right in the manner the Code allows. The BoCC's task is correspondingly narrow. It is not to decide

¹ On June 22, 2026, Buc-ee's submitted a request for an Administrative Determination pursuant to Code Sections 2.2.4.B.8 and 5.3.6. On July 1, 2026, the Planning and Community Development Director issued a written determination, concluding that the use classification for the proposed Buc-ee's was unclear under the Code and that Buc-ee's may appeal to the BoCC for a final determination. Pursuant to Code Section 2.2.1.H, the BoCC is the ultimate interpreter of the meaning and application of the Code.

whether every member of the public favors the project, whether some would prefer a different use at this site, or whether Buc-ee's is popular or unpopular as a matter of personal preference. Nor is the BoCC being asked to approve a Site Development Plan, building permits, grading, drainage, traffic improvements, utilities, signage, lighting, or business operations. Rather, the question before the BoCC is whether the proposed use meets the Code definition of a Convenience Store or, alternatively, satisfies the Code-defined criteria for a similar permitted commercial use. Based on the Code's plain language and the record, the answer is clearly yes.

As further detailed below, Buc-ee's qualifies as a Convenience Store because it fully satisfies the Code's definition of that use: it will sell the convenience goods expressly identified in the Code, and the Code specifically allows a convenience store to include retail petroleum fuel sales. Nothing in the Code imposes a building-size, fuel dispenser-count, customer-volume, or similar operational limit on convenience stores. Importantly, the Code regulates development intensity for all land uses in the C-1 (Commercial) zoning district through objective site-development standards, and Buc-ee's Site Development Plan materials submitted as part of its application demonstrate that the proposed use fully satisfies those standards.

Alternatively, Buc-ee's qualifies as a similar permitted commercial use because it satisfies the Code-required criteria under Section 5.3.6(C)(1) for that determination: (i) its function, performance characteristics, and location requirements are entirely consistent with the purpose and description of the C-1 zoning district; and (ii) it is compatible with uses specifically allowed in the district, and similar in characteristics such as traffic and parking generation, noise, glare, vibration, and dust. Importantly, the C-1 district expressly permits other commercial uses by right, including general retail as part of a shopping center, supercenter retail, restaurants, theaters, and parking lots that can be developed on this site in accordance with the Code at substantially greater scale and intensity, and with greater impacts than the proposed Buc-ee's, including greater traffic generation, parking generation, and associated vehicle-related impacts. This conclusion is supported by the detailed Trip Generation Memorandum prepared by Kimley-Horn, the project's expert traffic engineers, which confirms that Buc-ee's would generate less PM peak-hour traffic and associated impacts than those permitted alternatives.

The BoCC has received comments regarding area growth, market demand, fiscal impacts, public surveys and other policy issues. Those comments, however, do not alter the governing legal standard and are beyond the scope of the Use Determination criteria set forth in the Code. The question before the BoCC is not whether some members of the public oppose the project, prefer a different use, or raise concerns that will be addressed by Staff through later technical review. Rather, the question is whether the proposed use satisfies the Code's definition of a Convenience Store or, alternatively, the Code-required criteria for a similar permitted commercial use. Respectfully, the BoCC must apply the Code as written, and the governing text and record support approval of the requested determination.

I. USE DESCRIPTION

Buc-ee's Administrative Determination application includes a more detailed description of the proposed use. In summary, Buc-ee's will serve residents, employees, and others in the surrounding area by offering everyday convenience goods, including groceries, ready-to-eat foods, beverages, snacks, over-the-counter medications, household sundries, gifts, apparel, and other convenience merchandise. No on-site seating is proposed. Passenger-vehicle fuel sales will operate as an integrated component of the overall convenience retail use.

Buc-ee's will not operate as a gas station under the Code: it will not provide vehicle repair services, oil changes, accessory installation, mechanical work, vehicle washing facilities, or other vehicle-servicing functions. Nor will it operate as a truck stop: it prohibits 18-wheel tractor-trailers and will not include showers, truck or car washes, truck repair facilities, overnight parking, lodging, or similar truck-stop functions.

Notably, the proposed use includes the following features:

- **The project is fully Code-compliant with no requested alternatives or variances.** The project is designed to meet or exceed all applicable provisions of the Code, the El Paso County Engineering Criteria Manual, the El Paso County Drainage Criteria Manual, and other applicable County, State, and Federal regulations.
- **The project mitigates its potential impacts through applicant-proposed and funded improvements.** The project-specific traffic study demonstrates that Buc-ee's traffic impacts will be addressed through the roadway improvements, access controls, and circulation design reflected in the Site Development Plan. More broadly, the Code addresses potential impacts—including traffic, parking, lighting, drainage, access, landscaping, and screening—through objective development standards, and the project has been designed to fully satisfy those standards. As reflected in the Site Development Plan, the project includes a roundabout and turn lanes to improve traffic operations; ample parking and internal circulation designed to avoid spillover and congestion on surrounding roadways; a Code-compliant lighting plan with fully shielded, downcast fixtures to prevent off-site light spillover; and native, low-water landscaping with screened loading and refuse areas that exceed minimum Code requirements.
- **Buc-ee's will provide meaningful community benefits.** Buc-ee's will generate new County tax revenue and create local jobs while providing convenient access to everyday goods and fuel for people living, working, and already traveling nearby. The project also includes community-serving improvements, including bicycle amenities, enhanced landscaping and open space, backup power supporting emergency refuge during severe weather, on-site staging area for emergency service providers, and fire-water system upgrades that will both support the site and provide added capacity for surrounding properties during fire events.

II. BUC-EE'S IS A CONVENIENCE STORE

The record supports a determination that Buc-ee's is a Convenience Store for the following reasons:

A. Buc-ee's meets the Code definition of a Convenience Store.

- The Code 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." (Code Section 1.15 (Definitions of Specific Terms and Phrases).)
- Consistent with this definition, the proposed Buc-ee's will offer a broad range of convenience-oriented goods commonly associated with convenience stores, including groceries, ready-to-eat foods, beverages, over-the-counter medicines, household sundries, and other convenience merchandise. The convenience store will also include retail petroleum fuel sales.
- The proposed Buc-ee's therefore falls squarely within the Code's plain-language definition: it is an establishment that sells the listed convenience goods, and its petroleum fuel sales are expressly permitted as part of that same use.
- Notably, the Code does not classify uses based on marketing terminology, labels used in other jurisdictions, or descriptions applied by third parties. Rather, use classifications are determined by the Code's adopted definitions and criteria. Thus, whether Buc-ee's is described as a travel center, convenience store, or by another label is not controlling. The controlling question is whether the proposed use satisfies the Code definition of a Convenience Store, and the record confirms that it does.

B. Buc-ee's Offers Convenience Goods to the Neighborhood Within the Meaning of the Code.

- Consistent with the Code's definition of "Neighborhood," the relevant neighborhood is not limited to adjacent residential subdivisions, but rather encompasses the functionally connected area surrounding the property, including residences, businesses, employment centers, schools, public facilities, and the roadway network that links those destinations. In this location, those functional connections include Interstate 25, County Line Road, and Beacon Lite Road, which provide the primary means by which people living, working, shopping, recreating, and conducting daily activities access goods and services throughout the surrounding area. The Code's focus on shared characteristics, functional connections, and spatial perceptions confirms that a neighborhood is not defined solely by proximity to a particular residential subdivision. The neighborhood, therefore, includes the surrounding community and the interconnected transportation network that serves it.

- Buc-ee's will serve that neighborhood by providing convenient access to everyday goods, ready-to-eat foods, beverages, sundries, and fuel for people engaged in routine daily activities within the area. Residents may stop on trips to and from home, school, work, shopping, recreation, or community destinations. Employees and customers of nearby businesses may use the facility during the workday. Likewise, persons already traveling through the area on the surrounding roadway network may conveniently access those same goods and services. Serving those users is entirely consistent with the function of a convenience store and the Code's definition of that use.
- Nothing in the Code limits a Convenience Store to serving only nearby residents. The Code does not require that convenience stores exclusively serve nearby residents or derive their customers exclusively or even primarily from residential neighborhoods. Nor does the Code exclude employees, customers of nearby businesses, commuters, service providers, or other persons already using the surrounding transportation network.
- To the contrary, convenience stores throughout the County are commonly located along arterial roadways and freeway interchanges precisely because those locations efficiently serve the functionally connected neighborhood surrounding them. Those stores, regardless of size, routinely serve a combination of residents, employees, customers, and travelers already moving through the area. The Code should be applied as written and not narrowed by limitations that do not appear in its text.
- As further described in the detailed findings, the project reinforces its neighborhood-serving function through community-oriented improvements that enhance accessibility, connectivity, safety, and public convenience within the surrounding area.

C. The Code Regulates Development Intensity Through Objective Standards, Not Convenience Store Size Limits.

- The size of the proposed Buc-ee's does not disqualify it from classification as a Convenience Store. Neither the Code's definition of "Convenience Store" nor the use-specific standards applicable in the C-1 district impose a limit on building size, fuel-pump count, or customer volume.
- Where the Code intends to impose size, intensity, or operational limits on a use, it does so expressly. Other provisions in the Code include acreage thresholds, dimensional criteria, or use-specific standards when the County has chosen to regulate a use by size or scale.²
- No comparable limitation applies to "Convenience Store." The use is listed as an Allowed Use ("A") in commercial districts, including C-1, without qualification or size restriction.

² For example, an Agritainment use may not have more than 50 vehicles onsite at any time, Accessory Living Quarters may not exceed 1,500 square feet, Auctions may not be held more than 3 times a year, stays at a Bed and Breakfast Inn are limited to no more than 30 days, and Mixed Use Residential includes specific residential-to-commercial ratios.

- Here, the Code regulates development intensity for all land uses in the C-1 zoning district through objective dimensional and site-development standards—such as setbacks, height, landscaping, parking, loading, lighting, drainage, access, and circulation—rather than by adding unstated size limits to the Convenience Store definition.
- The proposed development fully satisfies those objective standards, as demonstrated by the Site Development Plan and supporting application materials.

D. Buc-ee's is not a Gas Station, Truck Stop or Restaurant Use under the Code.

- The proposed Buc-ee's consists of a single principal use: a Convenience Store. The Code defines a "Convenience Store" as an establishment selling groceries, ready-to-eat food, over-the-counter drugs, and sundries, and expressly provides that such a use "may include retail sale of gasoline and other petroleum products." By including fuel sales within the definition, the Code makes clear that fuel sales are part of the same principal use, not a separate principal use requiring independent classification. The proposed Buc-ee's satisfies that definition.
- The Code classifies the proposed use based on the applicable use definition, not by disaggregating a qualifying Convenience Store into separate principal uses merely because certain components of the use may also be found in other use classifications. The proposed use must be evaluated as a whole under the applicable Code definition, and Buc-ee's fully satisfies that definition.
- The proposed use does not satisfy the Code definitions of a Gas Station, Truck Stop, or Restaurant. The Code defines a Gas Station as a use primarily oriented toward fueling and servicing motor vehicles and limits retail sales to incidental vehicle-related merchandise. Buc-ee's does not provide vehicle repair services, oil changes, accessory installation, mechanical work, vehicle washing, or other vehicle-servicing functions.
- Likewise, Buc-ee's is not a Truck Stop. The Code defines a Truck Stop as a use providing maintenance, repair, storage, and other services to commercial vehicles and their drivers. Buc-ee's prohibits 18-wheel tractor-trailers and will not include showers, truck or car washes, truck repair facilities, overnight parking, lodging, or similar truck-stop functions.
- Nor is Buc-ee's a Restaurant. The Code expressly contemplates a Convenience Store selling "ready-to-eat food" as part of its use. Because ready-to-eat food necessarily requires preparation before sale, the preparation of such food is fully consistent with the Convenience Store definition and does not alter the use classification. Moreover, no on-site seating is proposed.
- Consistent with the Code definition of a Convenience Store, Buc-ee's is a customer-oriented convenience retail use offering groceries, ready-to-eat foods, beverages, over-the-counter medications, sundries, and related merchandise, with passenger-vehicle fuel sales operating as an integrated and expressly permitted component of that use.

III. BUC-EE'S ALSO QUALIFIES AS A SIMILAR PERMITTED USE UNDER CODE SECTION 5.3.6(C)(1)

Although Buc-ee's qualifies as a Convenience Store, the record also supports approval under Code Section 5.3.6(C)(1) as a similar permitted commercial use. That alternative basis provides an independent ground for approval.

A. Buc-ee's Function, Performance Characteristics, and Location Requirements Are Consistent with the Purpose and Description of the C-1 Zoning District.

- The C-1 district is established “for the purpose of providing for commercial activities.” (Code Section 4.4.1(A).) This is a broad, unqualified statement of purpose that imposes no restrictions on the scale, type, or customer base of the commercial uses. A Code-compliant Buc-ee's convenience store offering goods and fuel to people living, working, and already traveling within the neighborhood is fully consistent with that purpose.
- Buc-ee's functions as a commercial use and shares the ordinary characteristics of other commercial uses permitted in the C-1 district. Like retail as part of a shopping center, general retail sales, hotels, indoor amusement centers, theaters, restaurants, bars, and parking lots, the proposed Buc-ee's involves customer access, on-site parking, internal circulation, lighting, signage, utilities, and associated site infrastructure. As such, Buc-ee's is fully consistent with a district established to accommodate commercial activity.
- Buc-ee's performance characteristics are likewise those of a commercial activity, not an industrial or other intensive land use outside the intended scope of the district. The proposed development consists of customer-oriented retail sales and related convenience services conducted on a fully improved commercial site and does not involve manufacturing, processing, outdoor storage, heavy equipment operations, or hazardous industrial activities.
- Buc-ee's location immediately adjacent to Interstate 25, County Line Road, and Beacon Lite Road is likewise consistent with the locational pattern of commercial development contemplated by the C-1 district. Commercial uses are commonly situated along major transportation corridors to provide efficient access for customers living, working, and already traveling in the surrounding area.
- The Code addresses potential project impacts—such as traffic, parking, lighting, drainage, access, loading, screening, and landscaping—through objective development standards and site-plan review. The Site Development Plan and supporting materials demonstrate that Buc-ee's has been designed to satisfy those standards, including roadway and intersection improvements, access controls, parking and circulation, drainage facilities, fully shielded and downcast lighting, utilities, screening, and landscaping that exceeds Code minimums.
- Accordingly, Buc-ee's function, performance characteristics, and location requirements are fully consistent with the purpose and description of the C-1 zoning district and satisfy the first criterion of Code Section 5.3.6(C)(1).

B. Buc-ee's is Compatible with the Uses Specifically Allowed in the C-1 District, and Similar in Characteristics Such as Traffic and Parking Generation, Noise, Glare, Vibration, and Dust.

- Buc-ee's is compatible with and materially similar to commercial uses already permitted in the C-1 zoning district. The Code permits a broad range of commercial uses in the district, including retail as part of a shopping center, general retail sales, theaters, restaurants, bars, indoor amusement centers, hotels, and parking lots. Like those uses, Buc-ee's involves ordinary commercial characteristics—customer access, traffic, parking, circulation, lighting, signage, utilities, and related site infrastructure—that the Code regulates through objective development standards and site-plan review.
- The specific characteristics identified in the second criterion likewise support compatibility. Parking demand and circulation are addressed through the Site Development Plan's parking supply, access controls, and internal circulation design, which will accommodate customer activity on site and avoid spillover onto surrounding roadways. Glare is addressed through the project's Code-compliant lighting plan, including fully shielded, downcast fixtures designed to limit off-site light spillover and glare. Dust and vibration are not defining characteristics of the proposed use. Buc-ee's is a fully enclosed customer-oriented retail use on a fully improved commercial site, with passenger-vehicle fuel sales conducted under canopy coverage and subject to applicable building, fire, environmental, and safety regulations. These are ordinary commercial site-design and operating characteristics regulated through the Code's objective standards.
- Notably, the Code already permits the Property to be developed with other commercial uses that could exceed the proposed Buc-ee's in traffic generation, size, and overall development intensity. Retail as part of a shopping center, supercenter retail, restaurants and theaters may be developed on the Property. To evaluate those permitted alternatives, Kimley-Horn prepared conceptual site layouts accounting for applicable C-1 development standards, including dimensional standards (Code Section 5.4), parking (Code Section 6.2), landscaping (Code Section 6.2), drainage (Drainage Criteria Manual), stormwater facilities (Drainage Criteria Manual), and other applicable Code requirements. Those exhibits, which are included in the Trip Generation Memorandum, demonstrate that the Property can accommodate such permitted uses while remaining compliant with the C-1 standards.
- Based on those Code-compliant comparison scenarios, Kimley-Horn's Trip Generation Memorandum confirms that the proposed Buc-ee's would generate substantially fewer PM peak-hour trips than those permitted alternatives. Because PM peak-hour traffic typically drives transportation analysis and roadway improvement requirements, this comparison strongly supports compatibility with other uses already permitted in the district.
- Parking generation likewise supports compatibility. The Kimley-Horn Trip Generation Memorandum demonstrates that the proposed Buc-ee's will generate fewer PM peak-hour trips than other commercial uses that may be developed on the Property under the C-1 zoning standards. Because parking demand is generated by customer and employee activity associated with those trips, parking generation associated with the proposed use will

likewise be comparable to or less than that associated with those permitted alternatives. In addition, the Site Development Plan includes ample on-site parking and internal circulation specifically designed to accommodate anticipated customer activity on the Property. As a result, parking demand will be fully accommodated on site without reliance on surrounding roadways or adjacent properties.

- Buc-ee's project-specific traffic analysis further demonstrates that traffic associated with the proposed use can be accommodated through the roadway improvements, access controls, and internal circulation design reflected in the Site Development Plan.
- Because the Trip Generation Memorandum concludes that Buc-ee's will generate comparable or fewer vehicle trips than other permitted commercial uses, vehicle-related noise impacts will likewise be comparable to or less than those associated with such uses. In addition, the Property is located immediately adjacent to Interstate 25 and other roadways already characterized by existing traffic noise. Accordingly, Buc-ee's vehicle-related noise characteristics would not be materially different from the existing roadway-noise environment and, thus, the noise associated with another commercial use that could be developed on the Property under the C-1 zoning standards.
- Accordingly, Buc-ee's is compatible with commercial uses already permitted in the C-1 district and exhibits characteristics materially similar to, or less impactful than, those uses as to traffic and parking generation, noise, glare, vibration, and dust.

IV. THE MASTER PLAN IS NOT A REVIEW CRITERION FOR THIS USE DETERMINATION AND DOES NOT ALTER THE APPLICABLE CODE ANALYSIS

It has been suggested that the Master Plan's Suburban Residential Placetype reference to “small-scale standalone businesses that serve a neighborhood population” precludes Buc-ee's classification as a Convenience Store or similar permitted use under the Code. That argument rests on an incorrect interpretation of the Code and the scope of this Use Determination.

The BoCC's review in this Use Determination is limited to whether the Buc-ee's use meets the Code definition of a Convenience Store or, alternatively, whether it satisfies the Code's criteria for designation as a similar permitted commercial use in the C-1 zoning district. The Code specifies the operative use definitions, classification standards, and approval criteria. It does not contemplate or permit an examination of Master Plan policies or consistency (Code § 5.3.6). The Master Plan itself confirms that consistency review applies to zoning and subdivision decisions, not to a Use Determination. (Your El Paso Master Plan, p. 142.) The Code likewise confirms that the Master Plan is advisory only and does not create binding zoning requirements or land-use regulations. (Code § 2.1.3.) Accordingly, the BoCC must apply the Code as written.

Nothing in the Code incorporates Master Plan placetype descriptions into the definition of a Convenience Store or directs the BoCC to use advisory planning language to modify, narrow, or supplement the Code's adopted use definitions. If the County intended to impose location-based, scale-based, customer-base, or other operational limitations on Convenience Stores, it could have done so expressly in the Code itself. It did not. Accordingly, the question before the BoCC is

El Paso County Board of County Commissioners
August 21, 2026

whether the proposed use satisfies the Code's definition of a Convenience Store or the Code's criteria for a similar permitted use—not whether advisory placetype language can be used to impose additional limitations not found in the Code.

Even if the Master Plan were relevant to this Use Determination—which it is not—the Master Plan supports the proposed use. A detailed analysis regarding the Master Plan is included in Appendix A.

For these reasons, and for the additional reasons set forth in Buc-ee's detailed findings in its application, Buc-ee's respectfully requests that the BoCC approve the requested Use Determination. The governing question is narrow, the Code criteria are satisfied, and the record supports approval.

Respectfully submitted,

GREENBERG TRAURIG, LLP

A handwritten signature in black ink, appearing to read "Brady R. McShane", is written over a light gray rectangular background.

Brady R. McShane
Shareholder

Cc: Kenneth R. Hodges, County Attorney (KennyHodges@elpasoco.com)
Meggan Herington, Planning and Community Development Director
(MegganHerington@elpasoco.com)
Jackie Allred, Clerk to the Board (carctb@elpasoco.com)

Appendix A

It has been suggested that the Master Plan's Suburban Residential Placetype reference to “small-scale standalone businesses that serve a neighborhood population” precludes Buc-ee's classification as a Convenience Store or similar permitted use under the Code. That argument rests on an incorrect interpretation of the Code and the scope of this Use Determination.

First, the BoCC's review in this Use Determination is limited to whether the Buc-ee's use meets the Code definition of a Convenience Store or, alternatively, whether it satisfies the Code's criteria for designation as a similar permitted commercial use in the C-1 zoning district. The Code specifies the operative use definitions, classification standards, and approval criteria. It does not contemplate or permit an examination of Master Plan policies or consistency (Code § 5.3.6). The Master Plan itself confirms that consistency review applies to zoning and subdivision decisions, not to a Use Determination. (Your El Paso Master Plan, p. 142.) The Code likewise confirms that the Master Plan is advisory only and does not create binding zoning requirements or land-use regulations. (Code § 2.1.3.) Accordingly, the BoCC must apply the Code as written.

Nothing in the Code incorporates Master Plan placetype descriptions into the definition of a Convenience Store or directs the BoCC to use advisory planning language to modify, narrow, or supplement the Code's adopted use definitions. If the County intended to impose location-based, scale-based, customer-base, or other operational limitations on Convenience Stores, it could have done so expressly in the Code itself. It did not. Accordingly, the question before the BoCC is whether the proposed use satisfies the Code's definition of a Convenience Store or the Code's criteria for a similar permitted use—not whether advisory placetype language can be used to impose additional limitations not found in the Code.

Second, even if the Master Plan were a relevant consideration—which it is not for this proceeding—it supports the proposed use. Buc-ee's is consistent with the Master Plan's Suburban Residential Placetype because it is a stand-alone commercial establishment that will provide everyday commercial goods and services—including groceries, ready-to-eat foods, beverages, household items, fuel, and other convenience merchandise—to residents of northern El Paso County and the surrounding area. In that respect, the proposed use serves the very neighborhood population referenced in the placetype description. Importantly, the Master Plan does not define “small-scale” and does not establish any building-size, site-area, customer-volume, fuel-dispenser, or other measurable threshold for Commercial Retail, Commercial Service, Convenience Store, or other commercial uses contemplated within the placetype. The cited phrase, therefore, does not operate as a parcel-specific development standard and does not alter the use classifications and approval criteria adopted in the Code. Rather than imposing a limiting development standard, the Master Plan contemplates commercial services that support the continued growth of northern El Paso County and recognizes the importance of providing commercial goods and services in this area. (Id., pp. 28, 52.)

Also, the Suburban Residential Placetype expressly contemplates Commercial Retail and Commercial Service as supporting uses, particularly at major intersections and along perimeter streets. (Your El Paso Master Plan, p. 28.) The Master Plan also designates the property as being located within the Suburban Residential Placetype - Highway 105 and Interstate 25 Priority

Development Area, which contemplates additional residential density in northern El Paso County and recognizes that commercial services are important to support that growth and serve residents who commute north for work every day. (Id., p. 52.) The Property is located immediately adjacent to Interstate 25 and County Line Road at one of the region's principal transportation interchanges, placing it squarely within the type of location where the Master Plan contemplates commercial uses that support continued residential growth and provide services to residents who commute through northern El Paso County.

The Master Plan also recognizes that placetypes are not intended to function as rigid, parcel-specific restrictions, and may “morph over time as desires, needs, and opportunities dictate.” (Id., p. 46.) To this end, the Master Plan directs the County to remain open-minded and adaptable to unique or “one-off” opportunities that are not identified or anticipated within a placetype, recognizing that it may be vitally important to seize opportunities that benefit the community’s economic vitality and development potential. (Id., p. 143.) Furthermore, the subject property is also located within a designated “Transition Area of Change,” where the Master Plan specifically anticipates redevelopment significant enough to shift the existing setting toward a new development pattern. (Id., pp. 20–21.) The proposed development reflects the type of commercially oriented, infrastructure-supported growth contemplated for such areas and is consistent with the evolving development pattern anticipated by the Master Plan.

The site is also located within the Master Plan’s Tri-Lakes Key Area, which the Master Plan identifies as the County’s northern gateway along I-25 and Highway 83. The Plan specifically recognizes that this area “supports the commercial needs of many of the residents in northern El Paso County,” provides “easy access to necessary commercial goods and services,” and serves residents who commute to the Denver metropolitan area. (Id., p. 19.) Buc-ee’s is directly consistent with those objectives because it expands access to commercial goods and services in the County’s designated northern gateway area and strengthens the very commercial functions the Master Plan identifies as characteristic of the Tri-Lakes Area.

More broadly, the proposed use is consistent with numerous Master Plan goals and policies supporting commercial services in appropriate locations, economic vitality, efficient use of existing infrastructure, regional transportation access, and development that strengthens northern El Paso County's long-term growth potential. Buc-ee's will provide commercial goods and services in an area specifically identified for continued growth, support regional transportation users, expand commercial services available to northern El Paso County residents, and further the Master Plan's economic-development objectives. Far from conflicting with the Master Plan, the proposed use advances many of the broader planning goals reflected throughout the document.

Accordingly, reliance on a single placetype phrase provides an incomplete reading of the Suburban Residential Placetype and, more importantly, the Master Plan as a whole. The Master Plan itself directs that it be interpreted holistically and applied as flexible guidance rather than as a rigid set of parcel-specific mandates. (Your El Paso Master Plan, pp. 3, 16, 22.) When viewed in that broader context, the Master Plan contemplates commercial retail and service uses in this area, supports the provision of commercial goods and services to northern El Paso County residents, recognizes the need for economic vitality and commercial growth, and encourages flexibility in evaluating development opportunities.

For those reasons, the cited Master Plan language does not preclude the requested Determination of Use: the Code controls the use-classification analysis, and the Master Plan supports rather than precludes the proposed use.

Jessica Merriam

From: PLNWEB
Sent: Monday, August 24, 2026 12:36 PM
To: Jessica Merriam
Subject: FW: Buc-ees Appeal Hearing, Written Evidence Submittal



Marcella Maes
Associate Planning Services
Coordinator

E.P.C. Planning & Community Development
2880 International Circle
Colorado Springs, CO. 80910
719.520.6318
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From: dale.r.thompson@earthlink.net <dale.r.thompson@earthlink.net>
Sent: Monday, August 24, 2026 12:20 PM
To: PLNWEB <PLNWEB@elpasoco.com>
Subject: Buc-ees Appeal Hearing, Written Evidence Submittal

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- This is their first email to you.

Mark Safe

Report

El Paso County Digital, Strategy & Technology (DST)

As an over 20-year resident of Northern El Paso County Colorado (Monument and Northgate), I am submitting my thoughts on the Buc-ees application for constructing one of their travel convenience centers in north El Paso County.

We are frequent travelers to Fort Collins and Cheyenne WY and find the Buc-ees in Johnstown, CO a convenient stop over for fueling our diesel RV or charging our electric vehicle at one of their Tesla Superchargers. Having a Buc-ees in the area would provide an additional convenient location for fueling our RV locally.

We have watched this back and forth over Buc-ees with great interest as we have both spent significant time living in and visiting Texas. Like Whataburger, Buc-ees is a Texas institution that many have come to love.

My review of the application submitted by Buc-ees and the subsequent denial caused me to do some research and that is the purpose of this email for consideration during the quasi-judicial hearing scheduled for Aug. 27th this week.

I considered the fact that there is a Flying J Travel Plaza and a QuikTrip located in an El Paso County C-2 Development Zone at 1165 Baptist Road (we frequent this location to fuel our RV and to hook/unhook a towed vehicle when travelling out of town on RV trips). This location is zoned as C-2. That classification is consistent with its operation as a highway-oriented commercial facility, including:

- Fuel sales
- A convenience-store component
- Truck parking and services
- Restaurants and other travel-related retail uses

The site is in **unincorporated El Paso County**, near Monument—not within the Town of Monument. Because a large travel plaza may also be governed by an approved **site plan, development plan, or planned-development overlay**, the base zoning designation alone may not show every restriction applicable to the property. The County's official zoning map and recorded land-use approvals would control if a parcel-level determination is needed. And there is a Valero travel center across the road too.

That said, it seems to me that the Buc-ees application presents a similar situation that merits serious consideration for applying the C-2 zoning designation for the site and business. I would suggest that this site mirror the Johnstown, CO location and not allow large commercial vehicles to access and park at that site. There is plenty of parking at Baptist Road.

When we moved here over 20 years ago and purchased a house in Woodmoor, the area was quite under developed. There was a Safeway in Monument and a Home Depot and not a lot of other businesses. Since that time, we have moved and lived in the Gleneagle / Northgate area for the past 10 years and have witnessed the consistent growth in the area. We know that this is distressing to some, but that is basically a fact of life when you live in a growing and desirable metro area like Colorado Springs.

The addition of Buc-ees and other businesses in the county presents an opportunity to grow our tax base via property and land use taxes as well as retail sales taxes. That said, the quality of life for residents must also be considered and measures to mitigate noise and light pollution should be part of the plan for this site and business. The city of Colorado Springs and El Paso county dropped the ball on imposing noise restrictions on the Ford Amphitheater (we live ` 2.5 from the theater and do get some noise from it occasionally). With the Buc-ees application, the county has an opportunity to work with the applicant on making the site one that would limit the impacts of noise and light pollution that would be disruptive to nearby homes as well as the abundant wildlife that call this area home.

Submitted respectfully for consideration.

v/R, Dale

Dale R. Thompson

13913 Rivercrest Circle
Colorado Springs, CO 80921

719-337-0977 (m)

Case Number	SR Contact	Commissioner Category	Commissioner Category Description	Description	Created Date	Summary of Issue	Created Date
CCM-2622627	Robin Davis	Rezoning/Land Use	Buc-ee's	Dear Holly Williams, Please do not approve the Buc-ee's application for an outpost on the Palmer Divide. This is NOT an area with sufficient water nor does this development protect the million dollar plus wildlife corridor directly to its north. The geography of Monument Hill is well known as an environmentally sensitive area which includes snow and ice dangers in the winter. Putting more traffic on side streets that do not currently support today's traffic will increase the number of accidents as motorists try to navigate not only a truck weigh station but more incoming and outgoing traffic at either the foot of the hill or its summit. Most importantly, you already have the tools to deny this application given it does NOT meet the requirements for a "convenience store". Just because Buc-ee's made an error in purchasing property that DID NOT qualify for its use is not a reason to comply with their request. It is time to put the citizens who live in this area ahead of a corporate entity. I hope you concur.	8/11/2026	DO NOT APPROVE BUC EES	8/11/2026
CCM-2622768	Joseph and LouAnn Dekleva	Rezoning/Land Use	Buc-ee's	As long time members of the Monument area community, we are writing to encourage you to deny Buc-ee's request to be designated a convenience store. We built our home and have lived here since 1988. In that time we have seen and adapted to big changes in the Tri-Lakes community. While we have had concerns we have never reached out to you because we trusted our elected officials and counted on you to do your due diligence regarding growth to the area. We voted for Mr. Wysong because he pledged to be concerned about unbridled growth. Now the Buc-ee's proposal has caused us to do our own due diligence. We have many concerns about Buc-ee's but this latest ploy to try to classify themselves as a convenience store is over the top. Traveling to Tennessee last summer we made a point to stop at a Buc-ee's to see for ourselves what all the concerns were in this regard. We were shocked at the size of the physical plant - thousands of square feet larger than the 7-11 at 105 and 3rd street. There are banks of gas pumps not two or three like the 7-11. The merchandise and food items available to purchase is far beyond what one is able to pick up at the 7-11. You can google convenience store images and compare them to images of Buc-ee's. There is a marked difference. Our home of 38 years is 4.43 miles as the crow flies from the proposed Buc-ee's site. Because we have lived here for 38 years, are Colorado natives and drove through Monument as we went back and forth to college, we know how dicey the roads at the top of Monument Hill can be. We have experienced snow storms that shut down the interstate and had people marooned in Monument. The propensity for accidents is very high along that stretch of the interstate. When we exit our community to go south to Colorado Springs, we pass by three gas/travel centers on Baptist Road. They are 2.63 miles as the crow flies from our home. It doesn't seem that there is a demonstrated need for an additional gas/travel center in our area. We have many more concerns about the Buc-ee's proposal but we understand you only want to hear about the issue at hand which is their request for designation as a convenience store. Please do your due diligence in this regard and deny their request to be designated a convenience store. Sincerely, Joe and LouAnn Dekleva	8/18/2026	Upcoming Hearing On Buc-ee's request to be deemed a Convenience Store	8/18/2026
CCM-2622809	Sara Plott	Rezoning/Land Use	Buc-ee's	Thank you for your work for our community. Please continue to uphold our area and remind everyone that Buccee's is not a convenience store.	8/20/2026	Thank You Please Continue to Respect Zoning	8/20/2026
CCM-2622810	Sara Plott	Rezoning/Land Use	Buc-ee's	Thank you for your work for our community. Please continue to uphold our area and remind everyone that Buccee's is not a convenience store.	8/20/2026	Thank You Please Uphold Zoning	8/20/2026
CCM-2622818	Debbie Rusch	Rezoning/Land Use	Buc-ee's	I ask you, as representatives of the people, to truly hear our concerns. I live within ten miles of this proposed development, and I have spent my entire life in Colorado. I am not opposed to growth — our community has always adapted and welcomed progress — but we believe in smart, responsible growth that protects the people who already live here. A 74,000-square-foot building is not a convenience store. It is a major commercial installation, and its scale will bring significant and lasting impacts to our area. I respectfully urge you to vote no on this proposal. For 68 years, families like mine have paid property taxes, invested in this community, and built the stability that makes this region what it is today. My husband and I planned, saved, and scraped together what we could so we could retire comfortably in the home we have lived in for 30 years. We are deeply concerned that this oversized development will introduce serious risks — increased traffic, safety issues, water strain, and long-term tax burdens that fall directly on residents, many of us living on fixed retirement incomes. We built this community. We worked in it, served alongside government partners, and contributed to the safety and security that allowed it to thrive. We want to see it prosper — but prosper responsibly. Approving a project of this magnitude without fully planning for long -term community well-being would be a travesty. Please vote no on the proposed “convenience store.” It is not a convenience store. It is a large commercial facility that will reshape our community in ways we cannot undo. We are simply asking you to protect the people who already call this place home	8/20/2026	8.27 BOCC 74000 sqft is not a convenience store	8/20/2026
CCM-2622824	Doug Plott	Rezoning/Land Use	Buc-ee's	Please do not allow Buc-ee's to be classified as a convenience store. They are, in their own words, a travel center. They are NOT a convenience store. The residents deserve better than this. Thank you.	8/20/2026	Buc-ee's is NOT a convenience store	8/20/2026

Case Number	SR Contact	Commissioner Category	Commissioner Category Description	Created Date	Description	Summary of Issue
CCM-2622835	marcia rice	Rezoning/Land Use	Buc-ee's	8/21/2026	Good morning Ms. Geitner When you were sworn in as a Commissioner, you pledged to support and assist the constituents of El Paso County. I am one. I own a home, pay taxes, and vote. Mr. Alpin is NOT your constituent. I know you are well aware of his efforts to place a monstrosity of a travel center on the top of Monument ridge. You and I both know labeling such as a convenience store is absurd. Mr. Alpin has been denied THREE times. Twice by your own planning commission and once by the town of Palmer Lake. He has tiptoed around the boundaries of legality. You have the opportunity to be a true hero. Deny his appeal and send him down to Fountain. He will be welcomed there.	deny Buc'ees
CCM-2622836	marcia rice	Rezoning/Land Use	Buc-ee's	8/21/2026	Good morning Ms. Nelson When you were sworn in as a commissioner, you pledged to support and represent your constituents in El Paso County. I am one. I own a home, pay taxes and vote. Mr. Aplin is NOT. His attempts to commercialize Monument Hill are criminal. He has been denied permission THREE times. Twice by your own planning commission and once by the town of Palmer Lake. You and I know by all reasonable definitions; a travel center of 200 gas pumps and thousands of square ft. is NOT your friendly 7/11. This is your chance to be the champion of reason. Vote to deny Mr. Alpin permission to destroy a lovely Colorado site. He will be most welcome in Fountain.	Deny Buc'ees
CCM-2622837	marcia rice	Rezoning/Land Use	Buc-ee's	8/21/2026	Good morning Ms. Williams. I am your constituent from the Woodmore area. I own a home, I pay taxes. I have a deep interest in protecting my home. MR. Alpin is NOT you constituent. You know as well as I that the Buc-ee's is a monstrosity and will degrade the entire neighborhood. Now is your opportunity to be a hero. You are insulated from MR. Alpin's bbbysts-you are free to vote NO. Please do.	VOTE No on Buc ees appeal
CCM-2622838	marcia rice	Rezoning/Land Use	Buc-ee's	8/21/2026	Good Morning, Mr. Wysong, When you were sworn in as a commissioner, you pledged to represent the people of El Paso county. I vote, I own a home and I pay taxes. Mr Alpin is NOT your constituent. His plans for a monstrous travel center atop Monument Hill have been denied THREE times; twice you your own planning commission and once by the Town of Palmer Lake. His agents have played right up to and a bit beyond the law. You and I both know calling a 200 pump gas station a convenience store is absurd. Now is the time to stop all this nonsense. Now is the time to be a hero. Vote for your constituents, vote to preserve Monument Hill. Vote to send a message that all the money and influence Mr. Alpin has-will not get a Bucee's on Monumant Hill.	REFUSE Buc'ee's appeal
CCM-2622841	marcia rice	Rezoning/Land Use	Buc-ee's	8/21/2026	Good morning, Mr Applegate When you took an oath to serve as a county commissioner, you swore to represent your constituents and place the well being of all El Paso County in your care. I am a constituent. I own a home, I pay taxes, and I vote. Mr. Alpin is NOT your constituent. His plan to establish a Buc'ees on top of Monument hill, if realized, will impact an entire residential community. You and I both know that a 200 gas pump travel center is NOT your friendly 7/11. They are trying to shove an elephant into a mouse hole. Permission for this monstrosity has bee denied THREE times, twice by your own planning commission and one by the Town of Palmer Lake. Now is the time for you to be a hero. Now is the time to tell Mr Alpin all his money and influence cannot buy you. Vote No on the appeal. Thank You	Refuse Buc'ee's Appeal
CCM-2622865	Kathleen Coblar	Rezoning/Land Use	Buc-ee's	8/22/2026	The threat of a super travel center, not a convenience store is looming for the tri lakes area again. Convenience stores are convenient; get in, get out in few minutes. A limited number of gas pumps, slurpee machine and quick to go snacks. A small parking lot which doesn't allow thousands of vehicles to enter each day, 24/7. Too small for packs of screeching crotch rocket motorcycles to party all night, disrupting the tranquility of the nearby neighborhood of homes where most homes do not have air conditioning and have to keep windows open at night and are subject to this negative activity. 7-11 is a convenience store. Bucees is a nightmare mega teavel center tourist attraction. DO NOT CHANGE THE ZONING. DO NOT!	Buc'ees
CCM-2622870	Peggy Turney	Rezoning/Land Use	Buc-ee's	8/23/2026	Dear County Commissioners: I respectfully request that the proposed reclassification of Buc-ee's to be counted as a convenience store be denied for the following reasons: *Size & use of water resources will be a negative impact to the counties of Douglas and El Paso--projected water usage is a unrecoverable use of a vital resource in an area where the water table is dropping. *Wildlife impact: specifically the proposal will negatively impact sensitive bird, elk populations (adjacent on Bald Mountain), and additionally, is in near proximity to the Greenland Animal Overpass which connects wildlife areas benefitting elk, bears, pronghorn, deer and mountain lions. Potential impacts are increased auto emissions and a significant increase in light pollution. *Currently, road safety is poor at the top of the Palmer Lake Divide where Buc-ee's proposes to relocate. When I moved to Monument 27 years ago, the Chamber of Commerce sold t-shirts that were emblazoned with the saying, "Ski Monument Hill". In my opinion not far off in some years! The proposed location increases the likelihood of guests to the area being stranded or involved an accident for Buc-ee's as they take the exit to the location rather than continuing (north or south) on the freeway and being blissfully and safely unaware of the hazards of leaving the freeway at the Palmer Divide. *Traffic snarls will send many who normally use the on and off ramps at County Line and Hwy 25, to SECONDARY ROADS further spreading negative impacts, specifically: Furrow Rd., County Line Rd., Indi, Palmer Lake/Hwy 105, Beacon Light Rd., Doewood, Silver Horn, and more. Children @ play, pedestrians, and bike riders along with those driving in the area would be negatively impacted by increases in traffic on these roads that are not designed to be thoroughfares. *Jobs and revenue: EPCO may have an increase in revenue due to retail and fuel sales, though these would need to be netted against the increase in operating expenses (traffic lights, snow removal, wear and tear on the existing roads and ability to attract quality sustainable jobs) within the county plus the negative impacts for the residents and wildlife. The proposed project would increase employment at that site, however, it is projected to be nominal and primarily entry level hourly pay positions that will be created in a highly automated, large scale fueling facility. *As more and more vehicles are electric powered, Buc-ee's business model will need to change and the increased demand for electric power will be required. The change in the power siphoned off of the electrical grid(s) in the area has not been adequately explored. What is the effect on the business and residents in the northernmost El Paso County? What is the forecast there? El Paso County is a desirable, location for quality businesses, and these can draw from an educated and motivated population in northern EPCo, and I urge the EPCO Board of County Commissioners to approve quality projects that hit the sweet spot of low impact on the area's natural resources and wildlife, add lasting, quality jobs at multiple levels (entry and professional), fit with the overall plan of the surrounding counties (such as Douglas County's wildlife overpass project,) and would have a neutral impact on the safety of guests passing through the area and the residents who live, work and pay taxes in EPCo. Local gvnmts have worked hard and invested in this county and I urge the BoCt to continue on with this tradition, and to decide that this Buc-ee's project is neither a "convenience store", and that the variance will NOT be granted, and that this project is NOT a fit for the proposed location. Not even close! Our Board of County Commissioners has an opportunity to make a wise decision that will impact the county for 20-30 years..assuming we continue to need over-sized, huge fossil fueling stations and I call on you to make those decisions on behalf of your constituents..	Buc-ee's request: Retail/Fueling center near the intersection of County Line Rd & Hwy 25 in Monument
CCM-2622871	Stephanie Markle	Rezoning/Land Use	Buc-ee's	8/23/2026	Dear Chair and Members of the Board of County Commissioners, I am an El Paso County resident writing regarding the August 27 hearing on Buc-ee's appeal of Administrative Determination ADM264. I respectfully ask the Board to deny the appeal and decline to classify the proposed Buc-ee's development as a convenience store or a substantially similar use permitted within the C-1 zoning district. The proposed development is a regional travel center intended to serve interstate traffic, not a convenience store serving its surrounding neighborhood. Its approximately 74,000-square-foot building, 120 fueling positions, extensive parking, and anticipated traffic operate at a fundamentally different scale from the convenience-store use contemplated by the current zoning. When county staff cannot determine that a proposed use fits an existing classification, that uncertainty should not be resolved by expanding the classification to accommodate the project. If the development does not clearly qualify as an allowed use, rezoning is the appropriate process. That process would provide the public hearings, notice, and review warranted by a project of this size and regional impact. Please uphold the administrative determination and require that the proposal proceed through the appropriate rezoning process, rather than classifying it as a convenience store. I appreciate your consideration. Sincerely, Stephanie Markle 19485 Soaring Wing Court Colorado Springs, CO 80908	ADM264 Buc-ee's Appeal; Request to Deny Convenience-Store Classification
CCM-2622890	Amanda DiCristina	Rezoning/Land Use	Buc-ee's	8/24/2026	Commissioner Geitner, I am writing you to express my support for El Paso County to approve Buc-ee's along I25. I view it as a win for the area and community. Please take my opinion into consideration when voting on any approvals for the addition of Buc-ee's. Thank you Amanda DiCristina	Buc-ee's

CCM-2622895	Stephen Ward	Rezoning/Land Use	Buc-ee's	8/24/2026	This email is to request that the Buc-ee's appeal be denied and the original BOCC vote be reaffirmed and upheld. The original request does not conform to the El Paso County Master Plan, is not compatible with the existing and permitted land uses and zone districts in the area and clearly does not meet the past and current definition/interpretation of Convenience Store. 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. That is clearly inconsistent with a Convenience store definition. If Buc-ee's is willing to modify their plans to meet the normal 7-Eleven, Maverick or Murphy's Express and have 10-12 pumps (handles on both sides) with less than 25 parking spaces then it would be more compatible with a Convenience store. Even if they were willing to significantly down-size their plans, this appeal should be denied. If they are unwilling to build in a manner consistent with other convenience stores in the Tri-Lakes area, then this should be stopped from ever happening. It is abundantly clear that the vast majority of voters and land owners in the Tri-Lakes area of El Paso County and Douglas County nearby neighbors do not want a Buc-ee's at this location or anywhere in this part of the County! It is time for the BOCC to follow the wishes of the residents and deny this appeal and tell Buc-ees to build elsewhere.	Deny Buc-ee's Appeal
CCM-2622896	Candace Ward	Rezoning/Land Use	Buc-ee's	8/24/2026	This email is to request that the Buc-ee's appeal be denied and the original BOCC vote be reaffirmed and upheld. The original request does not conform to the El Paso County Master Plan, is not compatible with the existing and permitted land uses and zone districts in the area and clearly does not meet the past and current definition/interpretation of Convenience Store. 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. That is clearly inconsistent with a Convenience store definition. If Buc-ee's is willing to modify their plans to meet the normal 7-Eleven, Maverick or Murphy's Express and have 10-12 pumps (handles on both sides) with less than 25 parking spaces then it would be more compatible with a Convenience store. Even if they were willing to significantly down-size their plans, this appeal should be denied. If they are unwilling to build in a manner consistent with other convenience stores in the Tri-Lakes area, then this should be stopped from ever happening. It is abundantly clear that the vast majority of voters and land owners in the Tri-Lakes area of El Paso County and Douglas County nearby neighbors do not want a Buc-ee's at this location or anywhere in this part of the County! It is time for the BOCC to follow the wishes of the residents and deny this appeal and tell Buc-ees to build elsewhere.	Deny Buc-ee's Appeal
CCM-2622907	Alayna Otto	Rezoning/Land Use	Buc-ee's	8/24/2026	Dear Chair and Members of the Board of County Commissioners, I am an El Paso County resident writing regarding the August 27 hearing on Buc-ee's appeal of Administrative Determination ADM264. I respectfully ask the Board to deny the appeal and decline to classify the proposed Buc-ee's development as a convenience store or a substantially similar use permitted within the C-1 zoning district. The proposed development is a regional travel center intended to serve interstate traffic, not a convenience store serving its surrounding neighborhood. Its approximately 74,000-square-foot building, 120 fueling positions, extensive parking, and anticipated traffic operate at a fundamentally different scale from the convenience-store use contemplated by the current zoning. When county staff cannot determine that a proposed use fits an existing classification, that uncertainty should not be resolved by expanding the classification to accommodate the project. If the development does not clearly qualify as an allowed use, rezoning is the appropriate process. That process would provide the public hearings, notice, and review warranted by a project of this size and regional impact. Please uphold the administrative determination and require that the proposal proceed through the appropriate rezoning process, rather than classifying it as a convenience store. I appreciate your consideration.	Zoning classification of Buc-ees