



APP261- Appeal of Administrative Determination

Meggan Herington, AICP, Executive Director

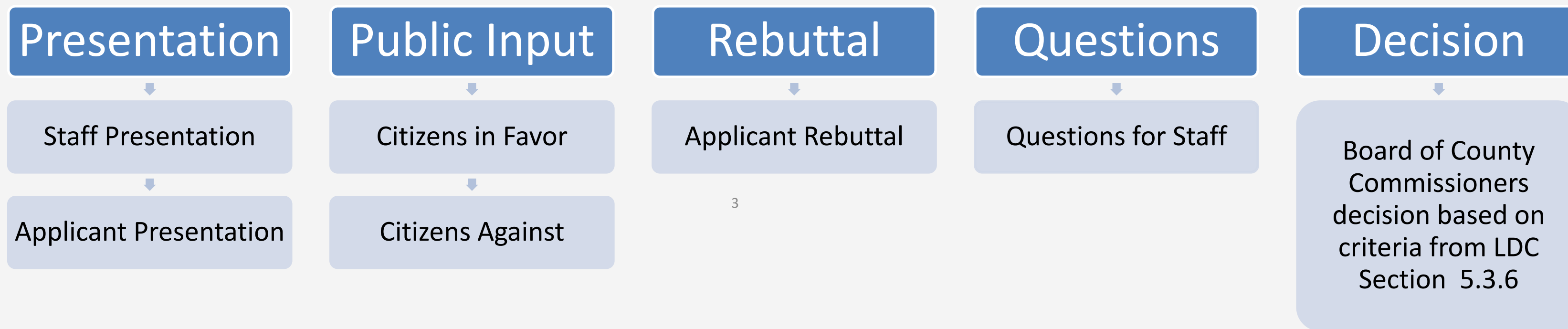


What is the Appeal?

- An appeal by Buc-ee's EPCO, LLC of an Administrative Determination in which the Executive Director of Planning and Community Development concluded that it was unclear whether the use of the proposed Buc-ee's meets the Land Development Code (LDC) definition of a "Convenience Store" or if the use is sufficiently similar to other uses permitted in the C-1 zone district.
- Process for the Administrative Determination from LDC Section 5.3.6
- The appeal hearing is considered Quasi-Judicial

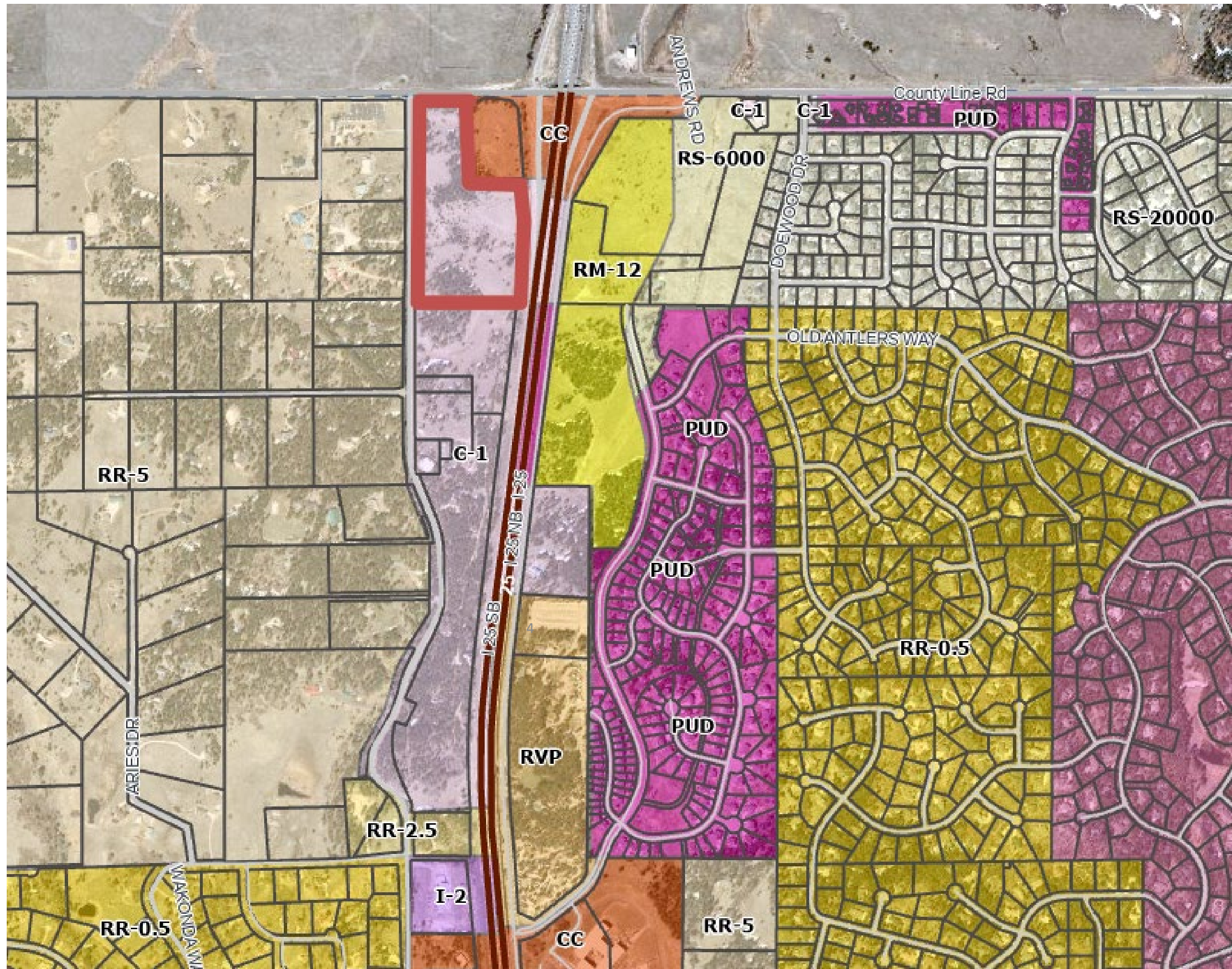


Hearing Procedures





LOCATION





Criteria of Approval

Section 5.3.6.C.1 Determination of Similar Uses

- (1) Determination of Similar Uses. No use not specifically identified as an allowed use, special use, temporary use, or accessory use shall be allowed unless the PCD Director determines the use is similar to an expressly allowed use, special use, temporary use, or accessory use. The uses allowed in each zoning district or overlay zoning district are identified in Chapter 5.

When a use is not specifically identified as allowed in a zoning district or overlay zoning district, it shall not be allowed in the zoning district or overlay zoning district unless it meets the following criteria in determining the use is a similar use:

1. The function, performance characteristics, and location requirements of the unlisted use shall be consistent with the purpose and description of the zoning district where it is proposed;
2. The unlisted use is compatible with the uses specifically allowed in the district, and similar in characteristics such as traffic and parking generation, noise, glare, vibration, and dust.



Decision Making Process Based on Code

Two Step Process:

1. Determining whether the proposed use falls within an existing, defined use category (e.g., "Convenience Store").
2. If the use is not specifically listed, determining whether it is sufficiently similar to other uses permitted in the zoning district based on established criteria.
 - An unlisted use may be considered an allowed use only when:
 - Its function, performance characteristics, and location requirements are consistent with the purpose and description of the zoning district; and
 - 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.

The applicant carries the burden of proof demonstrating that the proposed use satisfies the requirements of LDC Section 5.3.6.C.1



C-1 Zone District

- The C-1 Zone District is considered an obsolete zone district (LDC 4.4.1)
- **Zoning District, Obsolete** — A zoning district which remains applicable to land but which has been determined by the BoCC to be outdated and which cannot be applied to any additional land within the county
- 1991 Code Update (Resolution 91-59)
- The purpose of the district is to provide for commercial activities
- LDC Table 5-1 lists allowed principal uses in the C-1 district



C-1 Zone District

ALLOWED USES

Amusement Center, Indoor	Kennel, Major
Bar	Kennel, Minor
Barber/Beauty Shop	Laboratory
Billiard Parlor	Liquor Store
Car Wash	Marijuana Land Use, Medical
Child Care Center	Nursery, Retail
Club	Off-Premise Sign
CMRS	Parking Lot
Retail as part of a shopping center	Public Building/Public Park/Public Open Space
Convenience Store	Rehabilitation Facility
Coffee Shop	Religious Institution
Educational Institution, Public	Rental Services
Emergency Facility, Public	Repair Shop
Financial institution	Restaurant
Funeral Home	Retail Sales, General
Hotel	Sexually-Oriented Business
Inert Material Disposal Site - Minor	Store
	Studio

SPECIAL USES

Amusement Center, Outdoor
Boarding House
Business Event Center
Community Building
Educational Institution, Private
Emergency Facility, Private
Golf Course
Hospital
Hospital, Convalescent
Hospital, Veterinary
Human Service Shelter
Inert Material Disposal Site
Institution, Philanthropic
Library
Mineral and Natural Resource Extraction Operations, Commercial
Museum
Off-Premise Sign
Theater, Outdoor



Definitions

LDC Section 1.15:

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

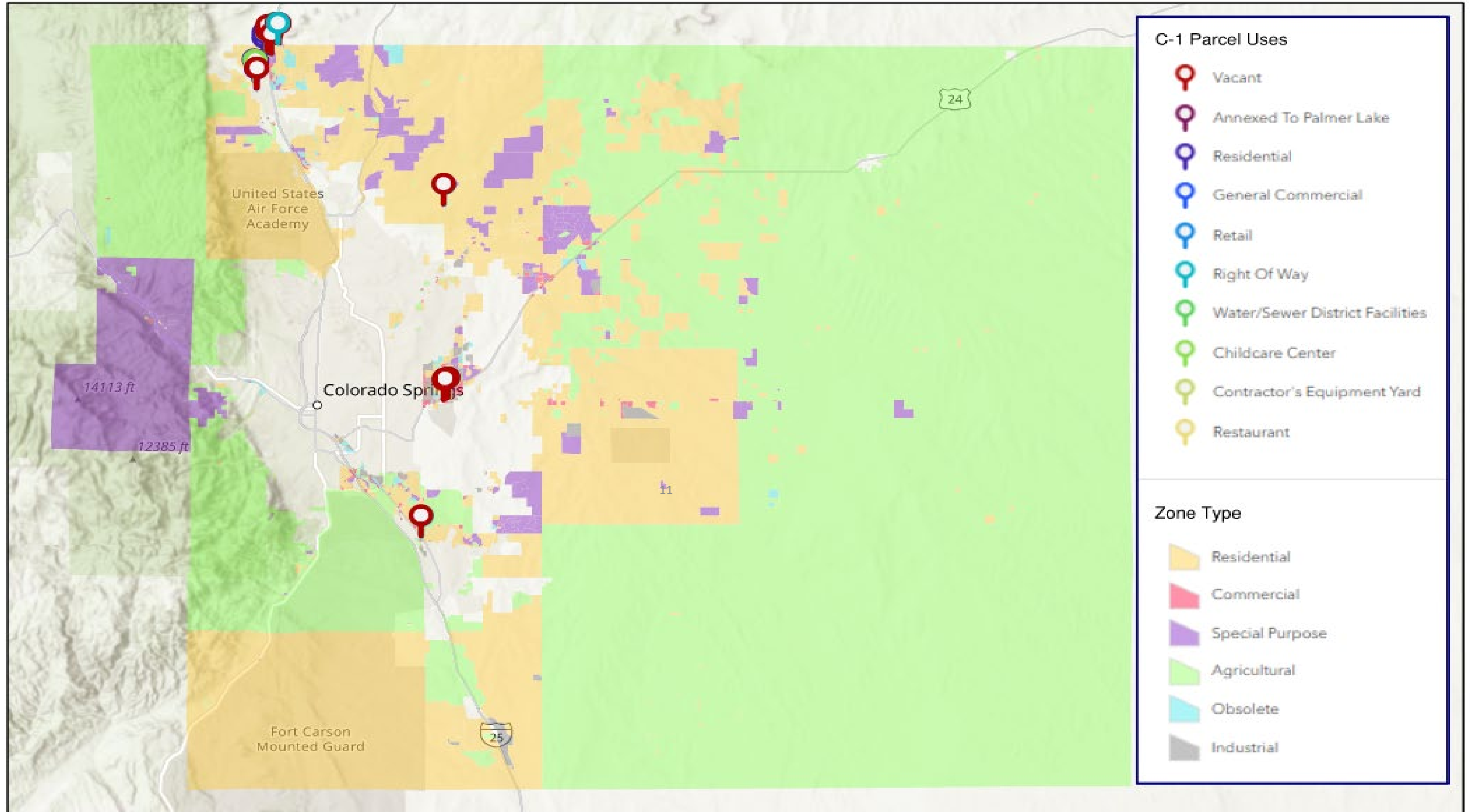
Gas Station — A property where the retail sale of gasoline, diesel fuel, oil, or other fuel for vehicles and which may include, as an incidental use, the retail sale and installation of vehicle accessories, the making of minor repairs, and facilities for washing and servicing of not more than 3 vehicles completely enclosed in a structure.



C-1 Zoned Properties

Index	PARCEL	LOCATION	ZONING ALL	Description of Primary Land Use Code (Assessor)	Acreage	YearBlt	EPC Planning Land Use Classification	Square Feet
1	7115204017	876 HIGHWAY 105	C-1			2007	Annexed to Palmer Lake	1250
2	5408001024	7006 SPACE VILLAGE AVE	C-1 CAD-O	WAREHOUSE/STORAGE	1.85	2015	Contractor's Equipment Yard	14000
3	7102200009	COUNTY LINE RD	C-1	EXEMPT NONRESIDENTIAL LAND - POLITICAL SUBDIVISIO	0.303122	1999	Water/Sewer District Facilities	175
4	7115201012	2810 ROBERTS DR	C-1	WAREHOUSE/STORAGE	0.344353	2013	Annexed to Palmer Lake	2250
5	5417001008	6809 SPACE VILLAGE AVE	C-1	MERCHANDISING	1.97	1986	General Commercial	14400
6	7102300003	19925 MONUMENT HILL RD	C-1	OFFICES	8.23	1997	General Commercial	2202
7	5408001023	6940 SPACE VILLAGE AVE	C-1 CAD-O	MULTI-UNITS (4-8)	0.256198	1979	Restaurant	3339
8	7115203014	2805 ROBERTS DR	C-1	SPECIAL PURPOSE	0.688705	1972	Retail	1344
9	7115204009	860 HIGHWAY 105	C-1			2007	Annexed to Palmer Lake	1250
10	7115204010	862 HIGHWAY 105	C-1			2007	Annexed to Palmer Lake	1250
11	7115204011	864 HIGHWAY 105	C-1			2007	Annexed to Palmer Lake	1250
12	7115204012	866 HIGHWAY 105	C-1			2007	Annexed to Palmer Lake	1250
13	7115204013	868 HIGHWAY 105	C-1			2007	Annexed to Palmer Lake	2616
14	7115204014	870 HIGHWAY 105	C-1			2007	Annexed to Palmer Lake	1250
15	7115204015	872 HIGHWAY 105	C-1			2007	Annexed to Palmer Lake	1250
16	7115204016	874 HIGHWAY 105	C-1			2007	Annexed to Palmer Lake	1250
17	6524400012	7270 HIGHWAY 85-87	C-1 CAD-O	EXEMPT NONRESIDENTIAL LAND - STATE	0.688705	1974	Right of Way	4590
18	7102110066	1650 PINEY HILL PT	C-1	SINGLE FAMILY RESIDENTIAL	0.053352	2017	Residential	1656
19	7103001054	19680 BEACON LITE RD	C-1 RR-5	SINGLE FAMILY RESIDENTIAL	31.18	1995	Residential	2016
20	7115400007	19800 MITCHELL AVE	C-1	SINGLE FAMILY RESIDENTIAL	7.24	1915	Residential	3278
21	7103001052	19870 BEACON LITE RD	RR-5 C-1	SINGLE FAMILY RESIDENTIAL	8.53	1999	Residential	2893
22	7103001053	19890 BEACON LITE RD	RR-5 C-1	SINGLE FAMILY RESIDENTIAL	5.03	1999	Residential	2939
23	5408001021	6951 E HIGHWAY 24	C-1 CAD-O	SINGLE FAMILY RESIDENTIAL	1.019996	1953	Residential	1088
24	7102300010	BEACON LITE RD	C-1	SINGLE FAMILY RESIDENTIAL	35.29	1925	Residential	864
25	7115400002	MITCHELL AVE	C-1	SINGLE FAMILY RESIDENTIAL	0.431084	1950	Residential	504
26	7102200004	BEACON LITE RD	C-1	EXEMPT NONRESIDENTIAL LAND - POLITICAL SUBDIVISIO	0.97904	1978	Water/Sewer District Facilities	625
27	7115203010	2720 MCSHANE DR	C-1	SPECIAL PURPOSE	0.344353	1973	Childcare Center	1568
28	5219000111	11480 BLACK FOREST RD	C-1	WAREHOUSE/STORAGE	1.06	1998	Retail	10500
29	7115400044	15-11-67	C-1	VACANT LAND, LESS THAN 1.0	0.549265		Vacant	
30	7115400045	15-11-67	C-1	VACANT LAND, LESS THAN 1.0	0.332645		Vacant	
31	5417001002	297 PETERSON RD	C-1 CAD-O	VACANT COMMERCIAL LOTS	0.459986		Vacant	
32	5219000110	6765 BURGESS RD	C-1 CR	VACANT COMMERCIAL LOTS	0.492241		Vacant	
33	5417001007	6807 SPACE VILLAGE AVE	C-1	VACANT COMMERCIAL LOTS	1.77		Vacant	
34	5417001009	6849 SPACE VILLAGE AVE	C-1	VACANT COMMERCIAL LOTS	0.397521		Vacant	
35	6524400086	7250 HIGHWAY 85-87	C-1	MANUFACTURED HOUSING	2.97		Vacant	
36	7102200003	BEACON LITE RD	C-1	VACANT LAND, 1.0 TO 4.99	3.53		Vacant	
37	7102200016	COUNTY LINE RD	C-1	VACANT LAND, 10.0 TO 34.99	20.01		Vacant	
38	7102110008	DOEWOOD DR	C-1	EXEMPT NONRESIDENTIAL LAND - COUNTY	0.036731		Vacant	
39	7102300009	MISTY ACRES BLVD	PUD C-1	VACANT LAND, LESS THAN 1.0	0.632713		Vacant	
40	7102110040	PINEY HILL PT	C-1 PUD	HOMEOWNERS ASSOCIATION	1.9		Vacant	
41	7102110043	PINEY HILL PT	C-1 PUD	HOMEOWNERS ASSOCIATION	0.92096		Vacant	
42	5408001022	SPACE VILLAGE AVE	C-1 CAD-O	VACANT COMMERCIAL LOTS	0.191988		Vacant	
43	5417001001	SPACE VILLAGE AVE	C-1 CAD-O	VACANT COMMERCIAL LOTS	0.460009		Vacant	

C-1 Parcels by Existing Land Use County Map





Notification

- Not a statutory requirement for this request
- Planning Staff followed standard notice procedures:
 - Sent mailed notice to 21 surrounding property owners
 - Applicant posted the property

12



Applicant

OWNER:	REPRESENTATIVE:
Buc-ee's EPCO, LLC	Vertex Consulting Services
Board of County Commissioners Hearing Date: 8/27/2026	



Criteria of Approval

Section 5.3.6.C.1 Determination of Similar Uses

- (1) Determination of Similar Uses. No use not specifically identified as an allowed use, special use, temporary use, or accessory use shall be allowed unless the PCD Director determines the use is similar to an expressly allowed use, special use, temporary use, or accessory use. The uses allowed in each zoning district or overlay zoning district are identified in Chapter 5.

When a use is not specifically identified as allowed in a zoning district or overlay zoning district, it shall not be allowed in the zoning district or overlay zoning district unless it meets the following criteria in determining the use is a similar use:

1. The function, performance characteristics, and location requirements of the unlisted use shall be consistent with the purpose and description of the zoning district where it is proposed;
2. The unlisted use is compatible with the uses specifically allowed in the district, and similar in characteristics such as traffic and parking generation, noise, glare, vibration, and dust.

- 4.4.1. C-1, Commercial (Obsolete)
- (A) Purpose. This district is established for the purpose of providing for commercial activities.
- (B) Allowed, Special, Accessory, and Temporary Uses. The allowed, special, accessory, and temporary uses in the C-1 district are shown in the Use Table in Chapter 5.
- (C) Use and Dimensional Standards. All uses and development in the C-1 district are subject to the Use and Dimensional Standards in Chapter 5.
- (D) General Development Standards. All uses and development in the C-1 district are subject to the General Development Standards in Chapter 6.
- (E) Development Standards for Building Walls. The wall of any building shall be constructed of 4 hour fire resistant material if it is located within 3 feet of a side lot line or if it is located within 5 feet of a side lot line where the lot or parcel adjoins a residential district.
- (F) Maintenance Plan. A maintenance plan conforming to the requirements of Chapter 6 shall be approved by the PCD Director prior to the issuance of any building permit.
- (G) Site Development Plan. Site development plan approval is required for all development prior to authorization of a building permit.
- (H) Platting. No building permits shall be granted on any portion of property which is currently zoned C-1 until the property is platted in accordance with this Code, unless otherwise exempted by Statute.
- If a property, at the time of its creation, was established in accordance with all applicable subdivision regulations, platting of the property is not required for issuance of a building permit. It shall be the responsibility of the person seeking a building permit to submit the necessary documentation to the PCD to substantiate the legal creation of the property.
- (I) Discontinuance of Zoning or Rezoning. No land shall be zoned or rezoned to C-1 on or subsequent to May 1, 1991. All land zoned C-1 on or before May 1, 1991, shall remain zoned C-1 and shall be subject to all the provisions of the C-1 district until such time as the land is either rezoned or annexed.