

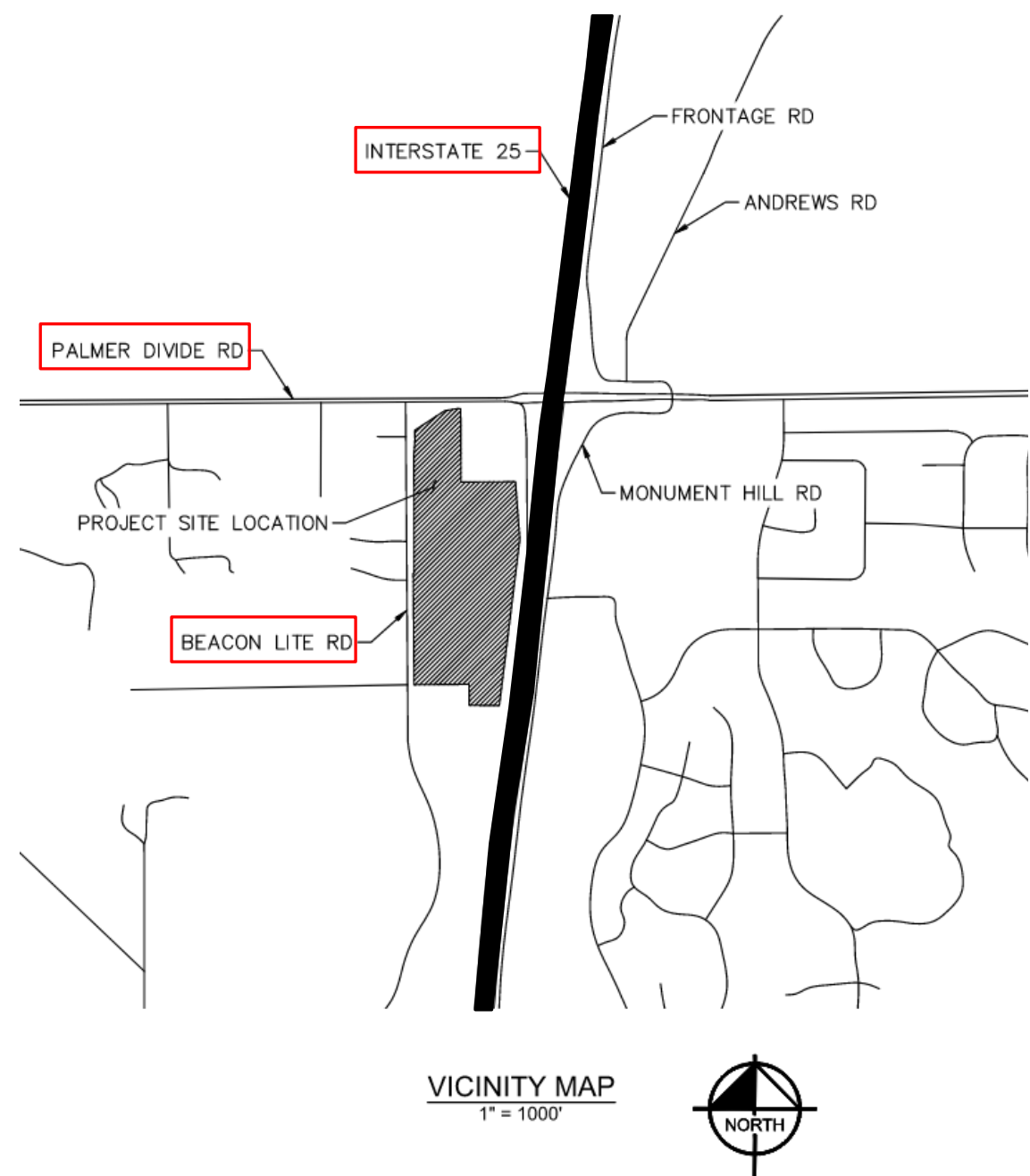
Buc-ee's EPCO, LLC

# Determination of Use

Proposed Buc-ee's Development in the C-1 (Commercial)  
Zoning District

El Paso County Board of County Commissioners

Application No. ADM264 | Appeal No. APP261



# Procedural Background

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**June 22, 2026**

Buc-ee's submitted a request for Administrative Determination to PCD Director pursuant to LDC §§ 2.2.4.B.8 and 5.3.6.

**July 1, 2026**

The PCD Director was unable to determine whether the proposed use meets the definition or is sufficiently similar to an allowed use in C-1.

**July 2, 2026**

Because that question could not be resolved administratively, Buc-ee's appealed for final BoCC determination under LDC § 5.3.6(F).

**Interpret this Code and Hear Appeals.** The BoCC is the ultimate interpreter of the meaning and application of this Code as to the type, nature and rights of uses, conforming and nonconforming, as allowed under this Code. Except for those procedures expressly prescribed for appealing of certain administrative decisions, all interpretations or applications by the PCD Director as they relate to uses under this Code and believed to be erroneous or inapplicable may be appealed to the BoCC. (2.2.1.H)

# Application Record

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## Administrative Determination Application

- Detailed findings support use classification.
- Site Development Plan materials demonstrate objective LDC compliance.



## Legal Letter to BoCC

- Summarizes the principal reasons approval is supported.

The governing text and record support approval.

# Scope of Review

## **BoCC not being asked:**

- Site Development Plan approval.
- Building permits, grading, drainage, utilities, signage, lighting, or operations.
- Public preference, market demand, polling, fiscal impacts or later technical-review issues.

## **The BoCC is being asked:**

- If the use meets the LDC definition of Convenience Store.
- Alternatively, if it is a similar permitted use (5.3.6(C)(1)).

Decision based upon the LDC's adopted definitions and criteria.

# Two independent paths to approval

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## **Path 1: Convenience Store (LDC 1.15)**

- The proposed use sells the convenience goods identified in the definition.
- Retail petroleum fuel sales are expressly allowed as part of the same use.
- The proposed use falls squarely within the plain-language definition.

OR

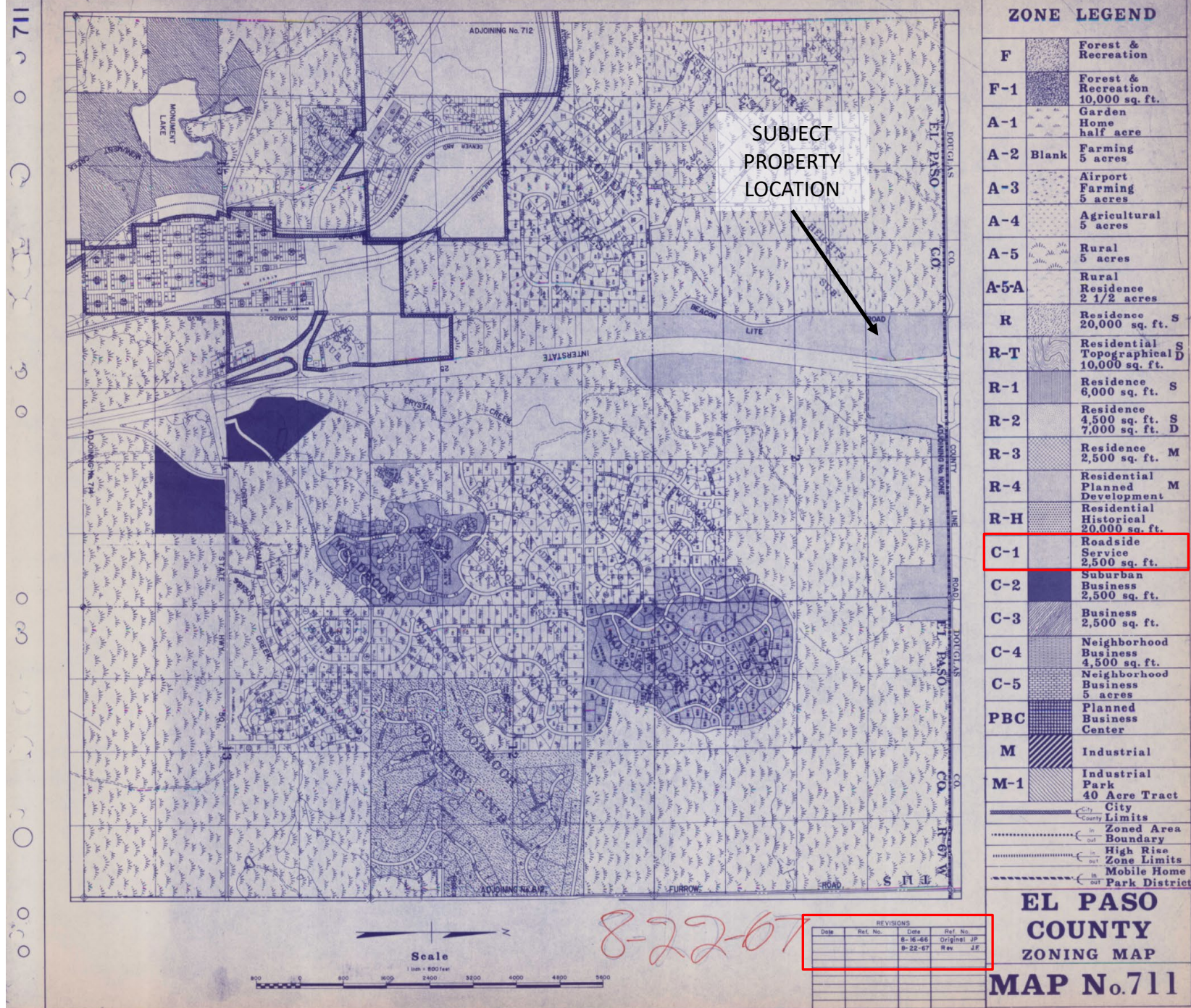
## **Path 2: Similar permitted use (LDC 5.3.6(C)(1))**

- Independently satisfies criteria under LDC 5.3.6(C)(1) for a similar permitted commercial use.
- The record supports function, performance, location, and compatibility.

- Either ground supports approval.

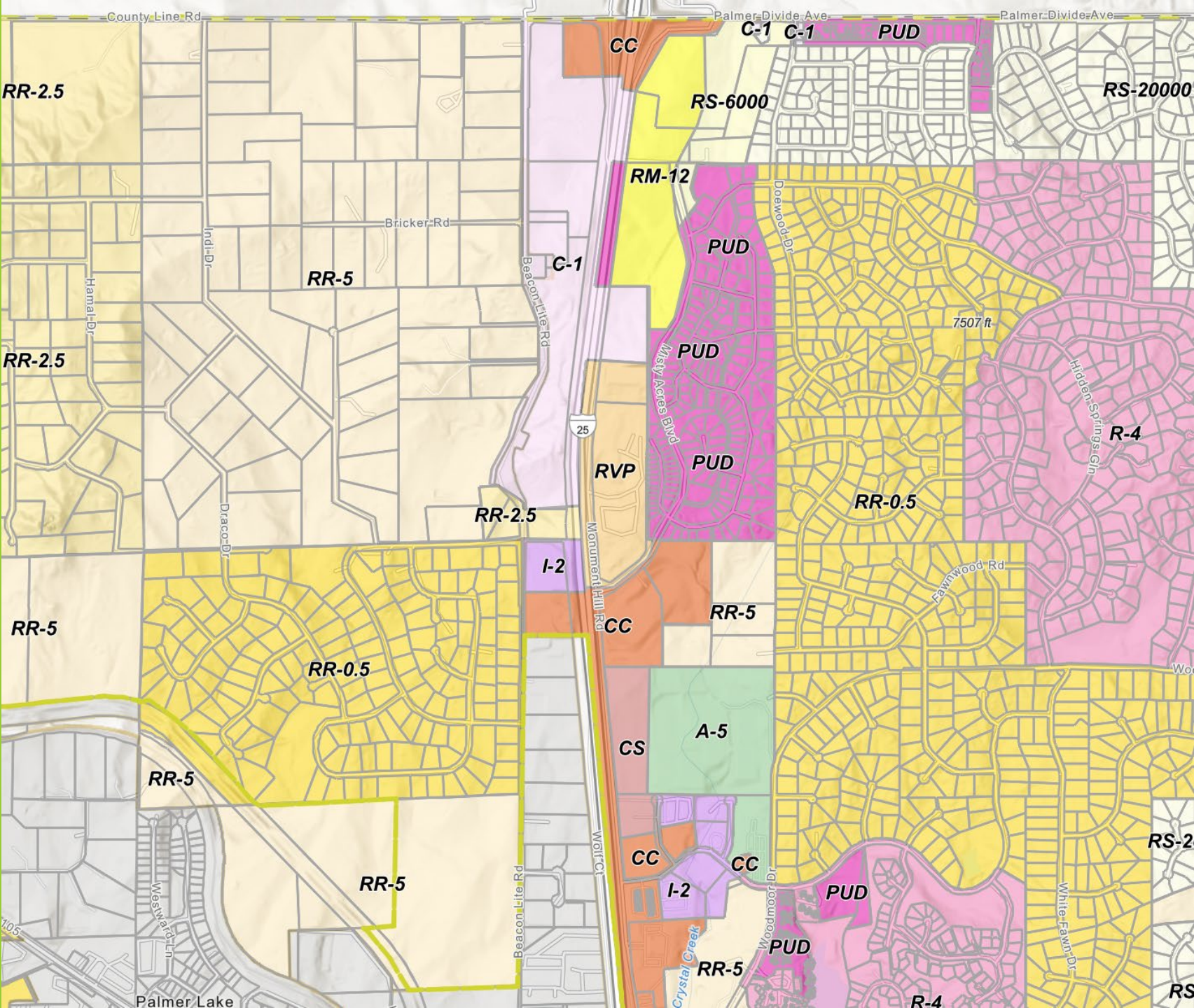
# Zoning History

C-1: 12/1/58  
(P-58-38)



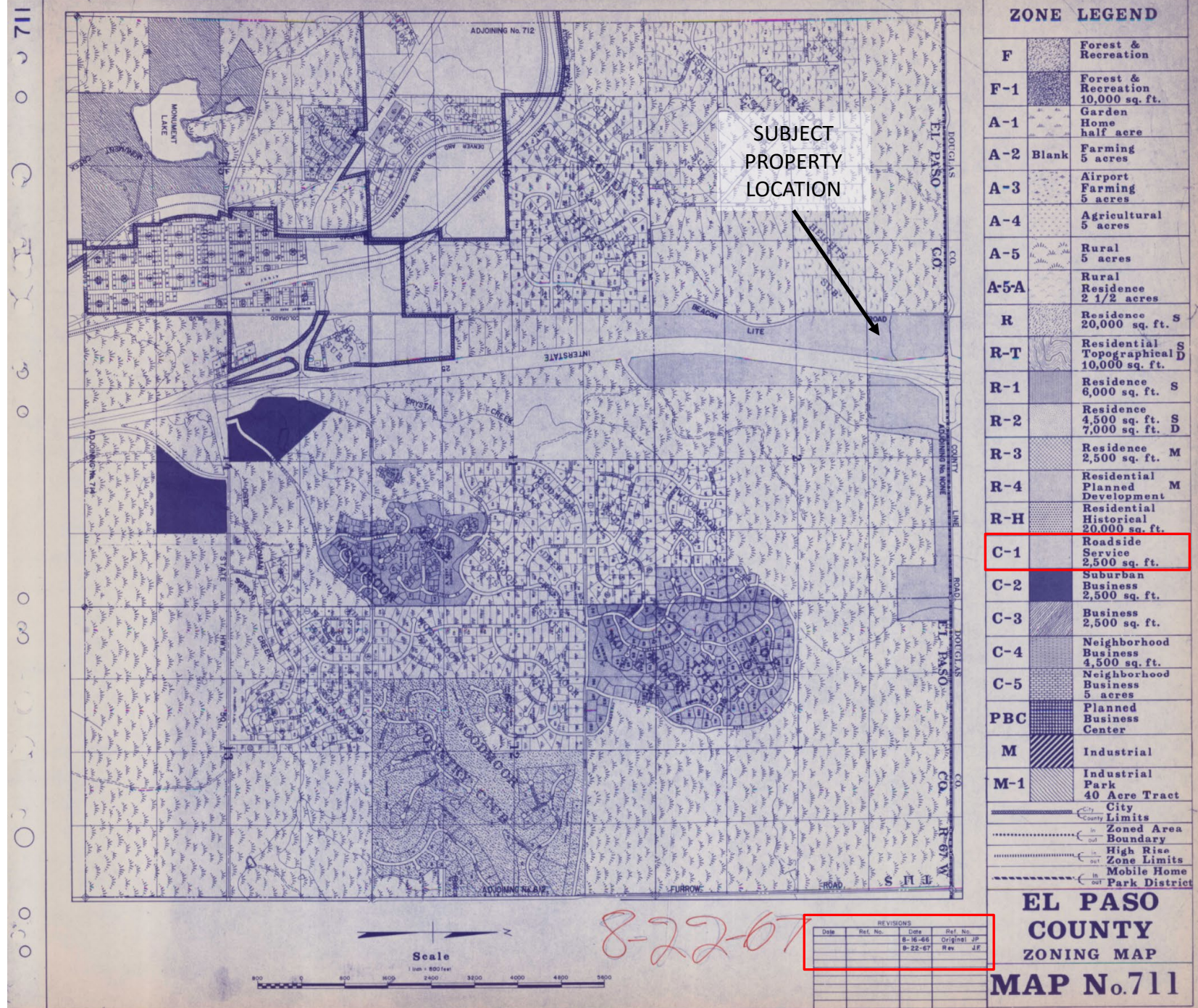
# Zoning History

Current Zoning Map



# Zoning History

C-1: 12/1/58  
(P-58-38)



# LDC Rules of Construction and Interpretation

## Read literally

### **LDC 1.6.1 – Language**

The language of this Code shall be read literally. The rules of construction, definitions of specific terms, and abbreviations applicable to the interpretation of this Code are provided in this Chapter.

- The language and definitions should be **read literally**.

## Definitions define use limits

### **LDC 1.14.7 – Definitions**

These definitions are not intended to establish regulations, but are intended to define the limits of specific uses and other standards.

- Definitions **define the limits of uses** and standards, where applicable.

## Specific use controls

### **LDC 5.1.5- Classification of Uses**

The specific use shall control the general use.

- Defined uses may include multiple use types, but **defined uses control**.

# Buc-ee's Convenience Store Description

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## Buc-ee's uses include

- Sale groceries, ready to eat food, beverages, over-the-counter medicines, household sundries, and other convenience merchandise
- Sales of gasoline and other petroleum products
- Vehicle charging stations

## Buc-ee's use **does not** include

- Onsite seating
- Vehicle repair services, oil changes, accessory installation, or mechanical work
- Vehicle washing facilities
- Truck repair facilities or allowance for 18-wheel tractor-trailers onsite
- Showers, overnight parking or accommodations

# Convenience Store Analysis

BUC-EE'S MEETS THE  
LDC DEFINITION OF  
CONVENIENCE STORE

# Required Elements of the Convenience Store Definition

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

## Required Criteria:

1. Offering for sale to the neighborhood in which it is located.
2. Offers items such as groceries, ready-to-eat food, over-the-counter drugs, or sundries.

## Optional Criteria:

3. May include retail sale of gasoline and petroleum products

# Buc-ee's Sells Convenience Goods

# Buc-ee's is a “Convenience Store”

(Per LDC Definition)

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.



Buc-ee's



Circle K



Kum & Go

Buc-ee's Offers  
Goods to the  
Neighborhood

# The Code Requires Only That Goods Are Offered for Sale

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## **What the Code requires**

- Offering goods for sale

## **What the Code does not require:**

- Local residents as primary customers
- Customers from within a specific distance
- A minimum percentage of neighborhood patrons
- Any customer-origin threshold

The definition depends on the use of the property to offer goods for sale, not on who patronizes the business.

# How the LDC Defines Neighborhood

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

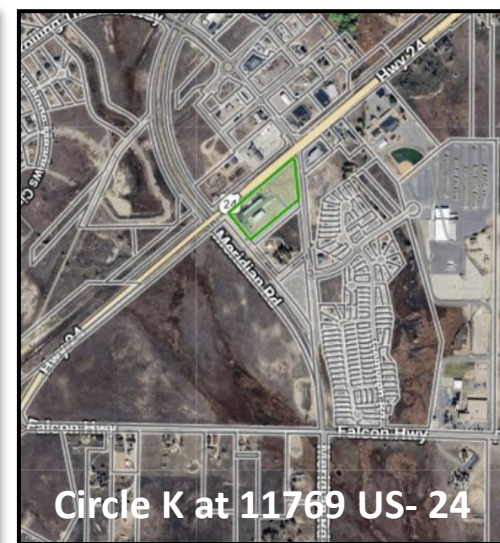
## Factors Defining a Neighborhood

1. Functional connections
2. Identifiable boundaries
3. Linkages
4. Gateways
5. Shared public facilities and spaces

A neighborhood is defined by shared facilities and functional connections, not by proximity.

# Previous Approvals Demonstrate Neighborhood Interpretation

Prior approvals illustrate EPC's established interpretation of neighborhood composition and the factors considered in determining an appropriate convenience store categorization.



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Prior approvals illustrate EPC's established interpretation of neighborhood composition and the factors considered in determining an appropriate convenience store categorization.



Fuel B's at 23580 Highway 94

Approved by BoCC 12.6.22



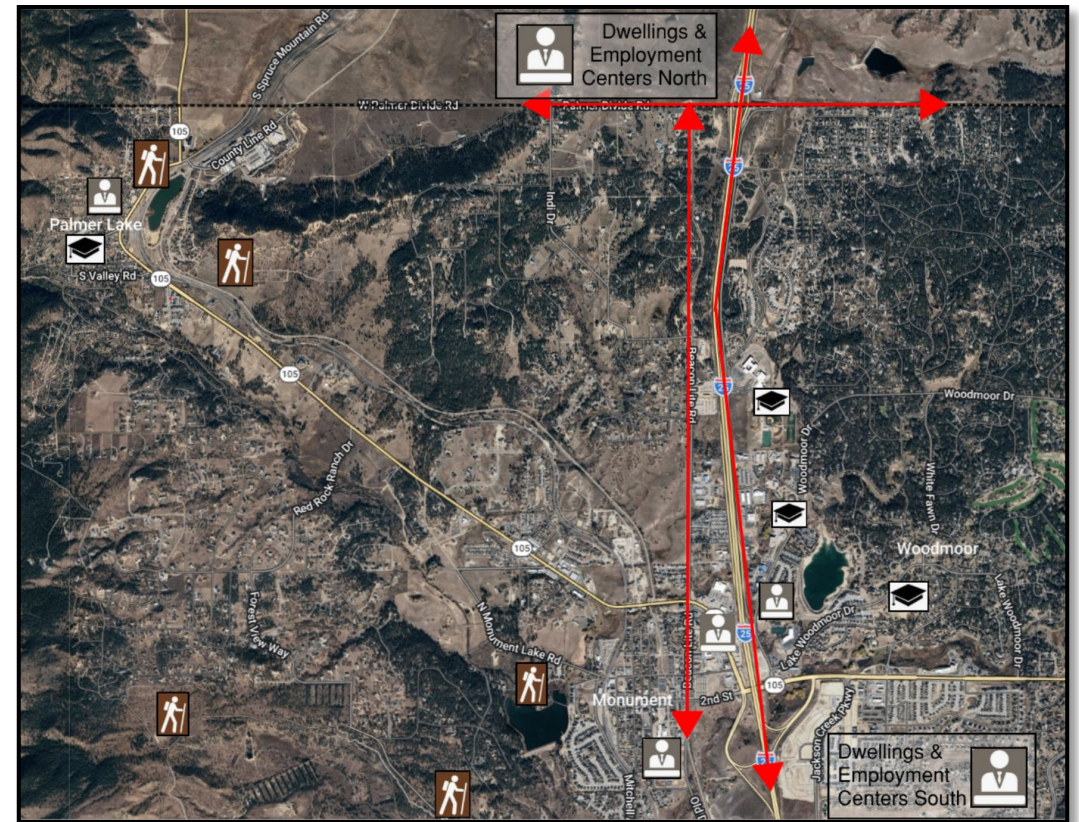
Proposed Buc-ee's

Key Finding: Similar convenience stores have been approved with comparable neighborhood characteristics.

# Buc-ee's Offers to the Connected Neighborhood

## Findings Supporting Neighborhood Service

- Connected by I-25, County Line Road, Palmer Divide Road, and Beacon Lite Road
- Accessible to surrounding residential areas, businesses, schools, and public facilities
- Serves residents, employees, students, and visitors throughout the area
- Functions as a commercial destination for the broader connected community



Key Finding: Buc-ee's provides goods to the functionally connected neighborhood, the same as other El Paso County approved convenience stores.

# LDC Uses Objective Standards, Not Convenience Store Size Limits

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## Size Does Not Disqualify Buc-ee's as a Convenience Store

- No building-size limitation.
- No fuel dispenser-count limitation.
- No customer-volume or similar operational limitation.

## The LDC Regulates C-1 Development Intensity Through Objective Standards

- Site Development Plan Review
  - Setbacks, height, landscaping, parking, loading, lighting, drainage, access, and circulation.
  - Drainage, grading, traffic
  - Mitigation of potential impacts
  - No approval unless compliance is demonstrated

# When the LDC Imposes Limits, It Says So

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## Definition

Adult Arcade, Adult Store, Bed and Breakfast Inn, Day Care Home, Small Cell CMRS Facility, Energy Generation Facility, Farm, Gas Station, Golf Course, Minor Kennel, Night Club

Example: no more than 3 service bays are allowed under Gas Station Definition

## Principal Uses Table Footnotes

Table 5-1, Footnotes 1, 2, 3, 4, 5, 7, 9

Example: greenhouses are limited to 1-acre in size

## Use-Specific Standards

Agritainment use cannot have more than 50 vehicles onsite at any time, Accessory Living Quarters may not exceed 1,500 square feet, and Mixed Use Residential includes specific residential to commercial ratios.

**Key Finding:** The Code limits size only where it says so expressly

Buc-ee's  
Includes Fuel  
Sales



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Fuel sales are  
expressly permitted

# Buc-ee's is not a “Gas Station”

(Per LDC Definition)

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**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.

Why Buc-ee's is not a Gas Station:

- Sales are convenience-related and not vehicle-related
- Fuel sales are accessory, not the principal purpose
- No retail sales of vehicle parts
- No vehicle repair and/or installation
- No washing facilities



# Buc-ee's is not a “Truck Stop”

(Per LDC Definition)

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**Truck Stop** — An establishment that provides maintenance, repair, storage and other services to commercial vehicles and their drivers, which may include but are not limited to fuel, accessory or parts sales, overnight accommodations, restaurant facilities, or any combination thereof.

Why Buc-ee's is not a Truck Stop:

- No maintenance, repair, or storage of 18-wheelers allowed
- 18-wheelers are not permitted
- No overnight accommodations or parking of any kind allowed
- No vehicle part sales
- No onsite seating



# Buc-ee's Meets Code Definition

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- The proposed Buc-ee's meets the Code definition of a Convenience Store.
  - Convenience Sales
  - Offers for sale to the Neighborhood
  - Integrated fuel sales
- The use complies with applicable zoning requirements.

## **Conclusion:**

The property's long-standing C-1 zoning grants the right to develop permitted uses within the district. Because the proposed Buc-ee's meets the Code definition of a Convenience Store, a permitted use by right, the requested determination should be approved.

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# Similar Use Analysis

ALTERNATIVELY, BUC-EE'S  
ALSO QUALIFIES AS A  
SIMILAR USE UNDER THE  
LDC.

# Applicable Review Criteria – Similar Use

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## 5.3.6.C.1- **Determination of Similar Uses.**

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.



### **Applicable Criteria:**

- 1a. The function and performance characteristics are consistent with the purpose and description of C-1.
- 1b. The location requirements are consistent with the purpose and description of C-1.



- 2a. The use is compatible with the uses specifically allowed in C-1.
- 2b. The use is similar in characteristics, such as traffic and parking generation, noise, glare, vibration, and dust to the uses allowed in C-1.

# Finding 1a: The function and performance characteristics are consistent with the purpose and description of C-1

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**Purpose.** This district is established for the purpose of providing for commercial activities. (4.4.1.A)

## Functional Characteristics of Commercial Activities

- Providing goods and services to the public
- Supporting retail, office, service, entertainment, or other commercial activities
- Serving customers, clients, or businesses in a commercial setting

## Performance Characteristics of Commercial Activities

- Traffic generation
- Parking
- Lighting
- Deliveries and loading activities
- Signage

**Key Finding:** Buc-ee's functions as a convenience store and retail commercial use that provides goods and services to the public and is consistent with the stated purpose of the C-1 district to accommodate commercial activities.

## Finding 1b: The location requirements are consistent with the purpose and description of C-1.

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**Purpose.** This district is established for the purpose of providing for commercial activities. (4.4.1.A)

### Location Requirements of Commercial Activities:

- Access to major public roads
- Visibility from major public streets
- Traffic circulation and access
- The site is situated in an area intended for commercial development

**Key Finding:** The site's long-standing commercial zoning and location near Interstate 25, County Line Road, and Beacon Lite Road are consistent with the locational pattern of commercial development contemplated by the zone district.

# Finding 2a: The use is compatible with the uses specifically allowed in C-1.

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

- Indoor Amusement Centers (e.g. Skyzone, Magnum, VASA)
- Bar
- Barber/Beauty Shop
- Billard Parlor
- Car Wash
- Child Care Center
- Club
- Small Cell CMRS Facility
- Stealth CMRS Facility
- Commercial or Retail as Part of Overall Shopping Center (e.g. Falcon Marketplace, Polaris Pointe)
- Convenience Store
- Copy Shop
- Public Educational Institution
- Public Emergency Facility
- Financial Institution
- Funeral Home
- Hotel (e.g. Great Wolf Lodge, Marriot)
- Inert Material Disposal Site
- Major Kennel
- Minor Kennel
- Laboratory
- Liquor Store
- Medical Marijuana Land Use
- Retail Nursery
- General Office
- Over the Air Reception Devices
- Parking Lot (e.g. CDOT Park and Ride)
- Public Building, Way or Space
- Public Park and Open Space (e.g. Garden of the Gods)
- Rehabilitation Facility
- Religious Institution
- Rental Services
- Repair Shop
- Restaurant
- General Retail Sales (e.g. Bass Pro Shop, IKEA, King Soopers Marketplace)
- Sexually Oriented Business
- Store
- Studio
- Theater (e.g. Broadmoor World Arena, Pikes Peak Center)

**Key Finding: Buc-ee's is compatible with all uses included in the C-1 zone.**

**Compatibility** — The characteristics of different uses, activities or designs which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of the proposed use, activity or design in maintaining the character of existing development within the vicinity

## Finding 2b: The use is similar in characteristics to uses specifically allowed, such as, traffic and parking generation, noise, glare, vibration, and dust.

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

- Indoor Amusement Centers (e.g. Skyzone, Magnum, VASA)
- Bar
- Barber/Beauty Shop
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- Car Wash
- Child Care Center
- Club
- Small Cell CMRS Facility
- Stealth CMRS Facility
- **Commercial or Retail as Part of Overall Shopping Center (e.g. Falcon Marketplace, Polaris Pointe)**
- Copy Shop
- Public Educational Institution
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- Hotel (e.g. Great Wolf Lodge, Marriot)
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- Public Building, Way or Space
- Public Park and Open Space (e.g. Garden of the Gods)
- Rehabilitation Facility
- Religious Institution
- Rental Services
- Repair Shop
- **Restaurant (e.g. Chick-fil-a, Dutch Bros, Texas Roadhouse)**
- **General Retail Sales (e.g. Target, Costco, Bass Pro Shop, IKEA)**
- Sexually Oriented Business
- Store
- Studio
- **Theater (e.g. Broadmoor World Arena, Pikes Peak Center)**

Finding 2b: The use is similar in characteristics, to uses specifically allowed such as traffic and parking generation, noise, glare, vibration, and dust.

#### Similar Use Concepts

- Meet EPC standards
  - Dimensional, parking, landscaping, drainage, stormwater, etc.
- Parking calculation based on LDC adopted parking ratio
- Trip generation based on ITE



#### Buc-ee's generates similar, or lesser traffic

- Buc-ee's generates similar, or fewer, PM peak-hour trips
- PM peak-hour traffic drives transportation analysis and roadway improvement requirements

#### Buc-ee's requires similar, or lesser parking

- Parking lot is a permitted C-1 use
- Parking is comparable to or less than permitted similar uses
- Site Development Plan includes ample on-site parking and internal circulation designed to avoid spillover onto surrounding roadways or adjacent properties

**Key Finding: Buc-ee's has similar traffic and parking characteristics as other C-1 permitted uses that could be developed on this property.**

Finding 2b: The use is similar in characteristics, to uses specifically allowed such as traffic and parking generation, noise, glare, vibration, and dust.

| Land Use                                                               | Size                                        | Daily   | Weekday Vehicle Trips |     |       |              |       |        |
|------------------------------------------------------------------------|---------------------------------------------|---------|-----------------------|-----|-------|--------------|-------|--------|
|                                                                        |                                             |         | AM Peak Hour          |     |       | PM Peak Hour |       |        |
|                                                                        |                                             |         | In                    | Out | Total | In           | Out   | Total  |
| Theater/Concert Venue                                                  |                                             |         |                       |     |       |              |       |        |
| Theater/Concert Venue <sup>1</sup>                                     | 9,000 Seats                                 | 10,364  | N/A                   |     |       | 2,460        | 808   | 3,268  |
| General Retail                                                         |                                             |         |                       |     |       |              |       |        |
| Shopping Plaza (ITE 821)                                               | 130,500 SF                                  | 13,236  | 288                   | 192 | 480   | 564          | 588   | 1,152  |
| Supermarket (ITE 850)                                                  | 120,000 SF                                  | 10,650  | 209                   | 145 | 354   | 447          | 447   | 894    |
| Fast Casual Restaurant (ITE 930)                                       | 12,000 SF                                   | 3,556   | 12                    | 7   | 19    | 91           | 81    | 172    |
| High-Turnover Sit-Down Restaurant (ITE 932)                            | 30,000 SF                                   | 3,114   | 148                   | 121 | 269   | 168          | 107   | 275    |
| Fast-Foot Restaurant w/ Drive-Through Window (ITE 934)                 | 12,000 SF                                   | 5,378   | 203                   | 196 | 399   | 197          | 182   | 379    |
| General Retail Total Trips                                             |                                             | 35,934  | 860                   | 661 | 1,521 | 1,467        | 1,405 | 2,872  |
| Supercenter                                                            |                                             |         |                       |     |       |              |       |        |
| Free-Standing Discount Superstore (ITE 813)                            | 200,000 SF                                  | 10,104  | 211                   | 165 | 376   | 423          | 441   | 864    |
| Strip Retail Plaza (ITE 821)                                           | 16,000 SF                                   | 872     | 35                    | 28  | 63    | 53           | 52    | 105    |
| High-Turnover Sit-Down Restaurant (ITE 932)                            | 12,000 SF                                   | 1,246   | 59                    | 49  | 108   | 67           | 43    | 110    |
| Fast-Foot Restaurant w/ Drive-Through Window (ITE 934)                 | 12,000 SF                                   | 5,378   | 203                   | 196 | 399   | 197          | 182   | 379    |
| Convenience Store/Gas Station (ITE 945)                                | 5,000 SF /<br>16 Fueling Positions          | 3,212   | 166                   | 159 | 325   | 153          | 152   | 305    |
| Supercenter Total Trips                                                |                                             | 20,812  | 674                   | 597 | 1,271 | 893          | 870   | 1,763  |
| Buc-ee's El Paso County                                                |                                             |         |                       |     |       |              |       |        |
| Buc-ee's                                                               | 120 Fueling Positions<br>74,000 SF Building | 22,150  | 643                   | 593 | 1,236 | 840          | 839   | 1,679  |
| Net Difference in Trips - Various Land Uses vs Buc-ee's El Paso County |                                             |         |                       |     |       |              |       |        |
| Theater/Concert Venue                                                  |                                             | +11,786 | N/A                   |     |       | -1,620       | +31   | -1,589 |
| General Retail                                                         |                                             | -13,784 | -217                  | -68 | -285  | -627         | -566  | -1,193 |
| Supercenter                                                            |                                             | +1,338  | -31                   | -4  | -35   | -53          | -31   | -84    |

<sup>1</sup>Theater/Concert Venue is based on Ford Amphitheater projected trips for an 8,000-seat venue, scaled up to 9,000 seats. AM Peak Hour trips were not provided

Key Finding: Buc-ee's has similar traffic characteristics to other C-1 permitted uses.

Finding 2b: The use is similar in characteristics, to uses specifically allowed such as traffic and parking generation, noise, glare, vibration, and dust.

### Noise

- Similar to uses that result in the need for parking.
- Compliance with the BoCC Noise Ordinance (02-1).
- I-25 location- Noise characteristics are comparable to other interstate-adjacent uses

### Glare [Lighting]

- Similar to uses that result in the need for parking.
- Meets LDC Lighting Standards (6.2.3).

### Vibration & Dust

- Not defining characteristic of use
- Not industrial-type use
- Improved commercial site

Key Finding: Buc-ee's has similar noise, glare, vibration, and dust characteristics as other C-1 permitted uses.

# Effect of a Similar Use Determination

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Any use determined to be substantially similar to an allowed use, special use, temporary use, or accessory use in a zoning district or overlay zoning district shall comply with all other development standards contained in this Code pertaining to the substantially similar use, including, but not limited to, dimensional requirements, landscaping requirements, parking requirements, and design requirements. (5.3.6.C.5 LDC)

**Buc-ee's will comply with all other development standards.**

# Conclusion and Summary

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For the reasons identified in this presentation and further identified in ADM264 and APP261, the Board of County Commissioners should approve the appeal and issue a Use Determination confirming that the proposed Buc-ee's constitutes a permitted Convenience Store use in the C-1 zoning district.

OR

Alternatively, and independently, the proposed Buc-ee's qualifies as a similar permitted commercial use within the C-1 zoning district because it is consistent with the district's purpose, it is compatible with other permitted uses, and is similar in operational characteristics to a broad range of commercial uses allowed within the C-1 zoning district.



Questions?

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