

# Minor Development Permit: ANB Bank



Location: 295 Eby Creek Road  
Legal: Lot 2, Block 3, Eby Creek Subdivision  
Parcel Number: 1939-321-01-001

Submitted: January 2025



# Team Directory

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# Introduction

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ANB Bank is proposing to relocate their current Eagle location to 295 Eby Creek Road / Lot 2, Block 3, Eby Creek Subdivision. The location is adjacent to the site of the former Burger King. The proposal includes a subdivision that will create 2 parcels, with the existing Burger King building on the southern parcel, and ANB Bank will develop the northern parcel. The subdivision application will be submitted under a separate cover. The property today is 2.025 acres / 88,209 sq. ft. It will be subdivided into two lots but share the current access from the roundabout.



The property is zoned Commercial General. Banks and Financial Institutions are considered a permitted use in the CG zone district. The construction of the ANB Bank is considered a Minor Development Permit. Additionally, the applicant is requesting a reduction to the stream setback from 75 ft to 50 ft. as allowed by the Town Code.

The Eagle Land Use and Development Code defines Bank/Financial Institution as follows:

***Bank/financial institution.*** An establishment or organization that holds, lends, exchanges, or issues money, and facilitates the transmission of funds. Includes retail, commercial, corporate or investment banks. Accessory uses may include automatic teller machines, offices, parking, and drive-throughs.



ANB Bank plans to sell the site of the former Burger King, so a future use and/or tenant is unknown. For the purposes of this submittal, the site is assumed to remain a fast food restaurant use and the zoning analysis is based on the existing building and site improvements. Future development of the remainder of the site will be subject to a Development Permit review by the Town of Eagle.



*2023 Google Earth Photo of the existing access and site.*

# Project Overview

## Zoning Analysis:

Address: 295 Eby Creek Road / Lot 2, Block 3, Eby Creek Subdivision  
 Zoning: Commercial General (CG)  
 Lot Area: 2.025 acres / 88,209 sq. ft.

| CG Standard                   | Allowed  | Proposed ANB Bank (Lot A)  | Existing Burger King (Lot B)   |
|-------------------------------|--|--|--|
| <b>Lot Area</b>               | 20,000 sf  | 0.95 acres / 41,382 sf   | 1.07 acres / 46,609 sf   |
| <b>Public Street Frontage</b> | 25 ft  | 270 ft   | 165 ft   |
| <b>Lot Coverage</b>           | 80% of Lot Area<br>Lot A = 33,106 sf allowed<br>Lot B = 37,286 sf allowed  | 45% / 18,596 sf  | 67% / 31,171 sf  |
| <b>Setbacks</b>               | Front: 25 ft<br>Street Side: 15 ft<br>Rear or Interior Side:<br>Parking Lot Adjacent: 0 ft<br>Com/Ind Adjacent: 12.5 ft<br>Mixed-Use Adjacent: 25 ft | Front: 42 ft<br>Rear: 54 ft<br>Side (N): 57 ft<br>Interior Side (S): 76 ft | Front: 147 ft<br>Rear: ft<br>Side (S): 31 ft<br>Interior Side (N): 35 ft |
| <b>Live Stream Setback</b>    | 75 ft or 50 ft with criteria   | 50 ft (Reduction Requested)  | 50 ft (Reduction Requested)  |
| <b>Height</b>                 | 35 ft  | <35 ft   | <35 ft   |
| <b>Building Footprint</b>     | 25,000 sf  | 3,700 sf   | 3,551 sf   |

## Vehicle Parking Analysis:

The parking analysis provided below is based on the proposed use and design of the ANB Bank. As shown below, the proposed ANB Bank complies with the parking requirements. Additionally, the analysis has been provided for the existing Burger King building and its previous use as a fast food restaurant.

| Use                                 | Parking Formula   | Floor Area (SF) | Parking Required | Parking Provided | Stacking Required     | Stacking Provided |
|-------------------------------------|---|-----------------|------------------|------------------|-----------------------|-------------------|
| <b>Bank / Financial Institution</b> | 1 per 300 sf plus stacking if there is a drive-thru       | 3,700.00        | 12.33            | 13 spaces        | 3 spaces per lane = 6 | > 6 spaces        |
| <b>Fast Food Restaurant</b>         | 1 space per 200 sf plus stacking if there is a drive-thru | 3,551.00        | 17.76            | 48 spaces        | 5 spaces              | 5 spaces          |

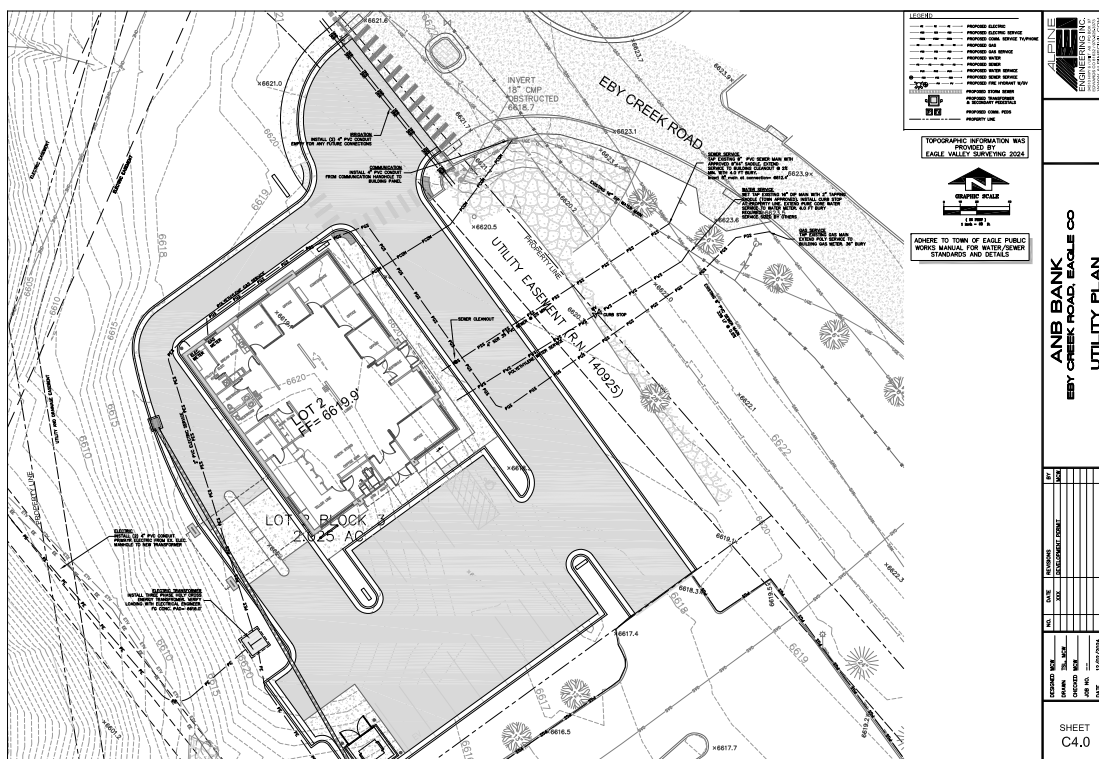
### Bicycle Parking Analysis:

Because the Burger King building is existing, it is not currently subject to bicycle parking requirements. Bicycle parking may be required by the Town of Eagle during the review of a future development permit for any change in use or modifications to the Burger King building/site.

| Use                                 | Short-Term (Bike Rack)           | Bike Rack Space                       | Long-Term   |
|-------------------------------------|----------------------------------|---------------------------------------|---|
| <b>Bank / Financial Institution</b> | Min 2 + 1 per 5000 sf floor area | Rack that will serve a min of 2 bikes | Bike storage for employees accommodated within building |

### Utility Service:

Alpine Engineering has provided a Utility Plan (below) to demonstrate service to the ANB Bank. All utilities are available to serve the site. Gas service from Black Hills Energy is available from Eby Creek Road. Electric service from Holy Cross is provided from an existing vault to the west of the building, then served by the placement of a new 3-phase transformer. Communication services are from the existing Century Link manhole near the roundabout. The Town of Eagle provides water and sewer, which is located on the edge of Eby Creek Road. Because the proposed bank is less than 12 EQR, the Public Facilities Information Report is not required.



### Phasing:

The ANB Bank will be constructed in one phase, with all improvements completed by C.O. Because the final user of the Burger King space is unknown at this time, any development on the Burger King site may require a development permit per the LUDC.

**Cost Estimate:**

There are no public improvements with the proposed project. The minor development permit is only for one building and therefore the proposal is not required to submit private costs. The applicant is not currently proposing any changes to the existing Burger King site.



# Project Analysis

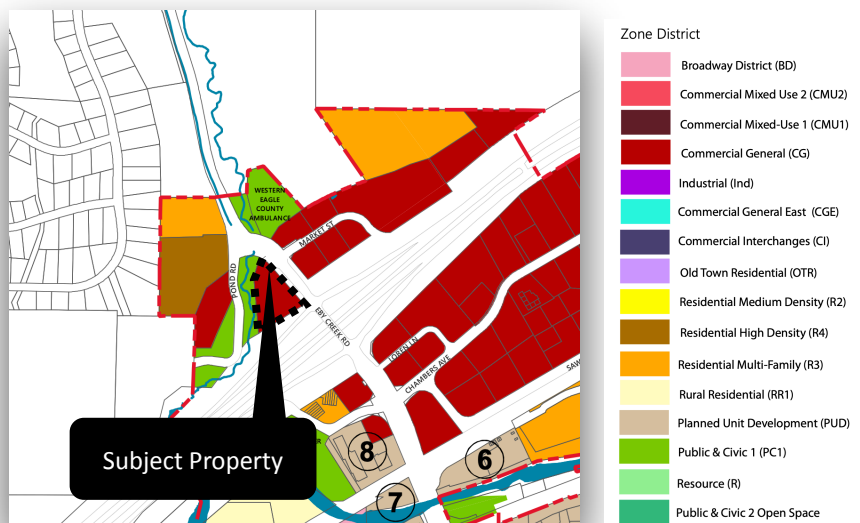
Section 4.17.080 - Development Review Process of the Eagle Land Use and Development Code provides the review process for the proposed ANB Bank as a Minor Development Plan (Planning & Zoning Commission) and Section 4.17.080 C. Review Criteria and Decision-making provides the following review criteria applicable to all development plan applications. The applicant has provided a response to each criterion.

**a. Land Use and Development LUDC requirements. The development plan is consistent with all applicable standards of this LUDC.**

Applicant Response:

The applicant has designed a plan that complies with the LUDC, as outlined in the Project Overview section above. The proposed plan ensures that both the ANB Bank and the Burger King site comply with the LUDC.

The property is zoned Commercial General as identified on the Town of Eagle Zoning Map. The CG standards are outlined in Section 4.05.030 of the LUDC and are summarized in the Project Overview section, while there are additional Design Standards outlined in Section 4.10.030. Those that are applicable are addressed below:



- Section 4.10.030.A.1: While the site will be subdivided into 2 lots, the lots will share the existing access via the Market Street Roundabout. This maintains the existing traffic pattern, allows for efficient access, and eliminates the need for an additional curb cut.
- Section 4.10.030.A.2: The proposed ANB Bank is sited on flat portion of lot, avoiding the steep slopes associated with the Eby Creek drainage. This also reduces the need for cut and fill. Parking is located adjacent to the building, allowed for short and efficient access to the entry points.
- Section 4.10.030.B-E: The proposed exterior building materials are red brick masonry, with accents of metal. These materials are consistent with the Design Standards and maintain the high quality standards of the Town of Eagle.
- Section 4.10.050: ANB Bank is oriented towards Eby Creek Road and has primary entrances facing both Eby Creek Road and the parking area, with the drive-thru facing the rear property line. Parking is all located to the south of the building (side property line), with the access drive along the front serving both properties. The building design includes steps in the facade, and provides pedestrian oriented design features such as canopies over the entries, material

changes to high-light the entry areas, large windows, etc. The roof is flat, with appropriate mechanical screening so that mechanical equipment is visible from the public right-of-way.

- Section 4.10.050 C.4. North Interchange and East Eagle Area. The Design Intent for this area states:

*The North Interchange and East Eagle area incorporates privately owned, commercially zoned land north of the I-70 interchange, and in between the I-70 corridor and US Highway 6 east of Chambers Avenue. This area is completely separated physically and visually from the developed Town. Because of its isolated location, development on these lands should have less of an impact on the community, if treated sensitively, than if these uses occurred Downtown. Where sites develop with commercial activities that generate high volumes of user traffic, master planning of large parcels should be strongly encouraged. Careful consideration to the layout of curb cuts along existing public roads should be given. To the extent possible, the preservation of large pieces of indigenous landscape and plant materials should be an important objective.*

In accordance with this section, there is only one curb cut (the existing one) serving both properties, and when possible, existing landscaping is preserved and enhanced. Due to the current state of the property, some landscaping will be removed due to poor health. The trash dumpster location is towards the rear of the property.



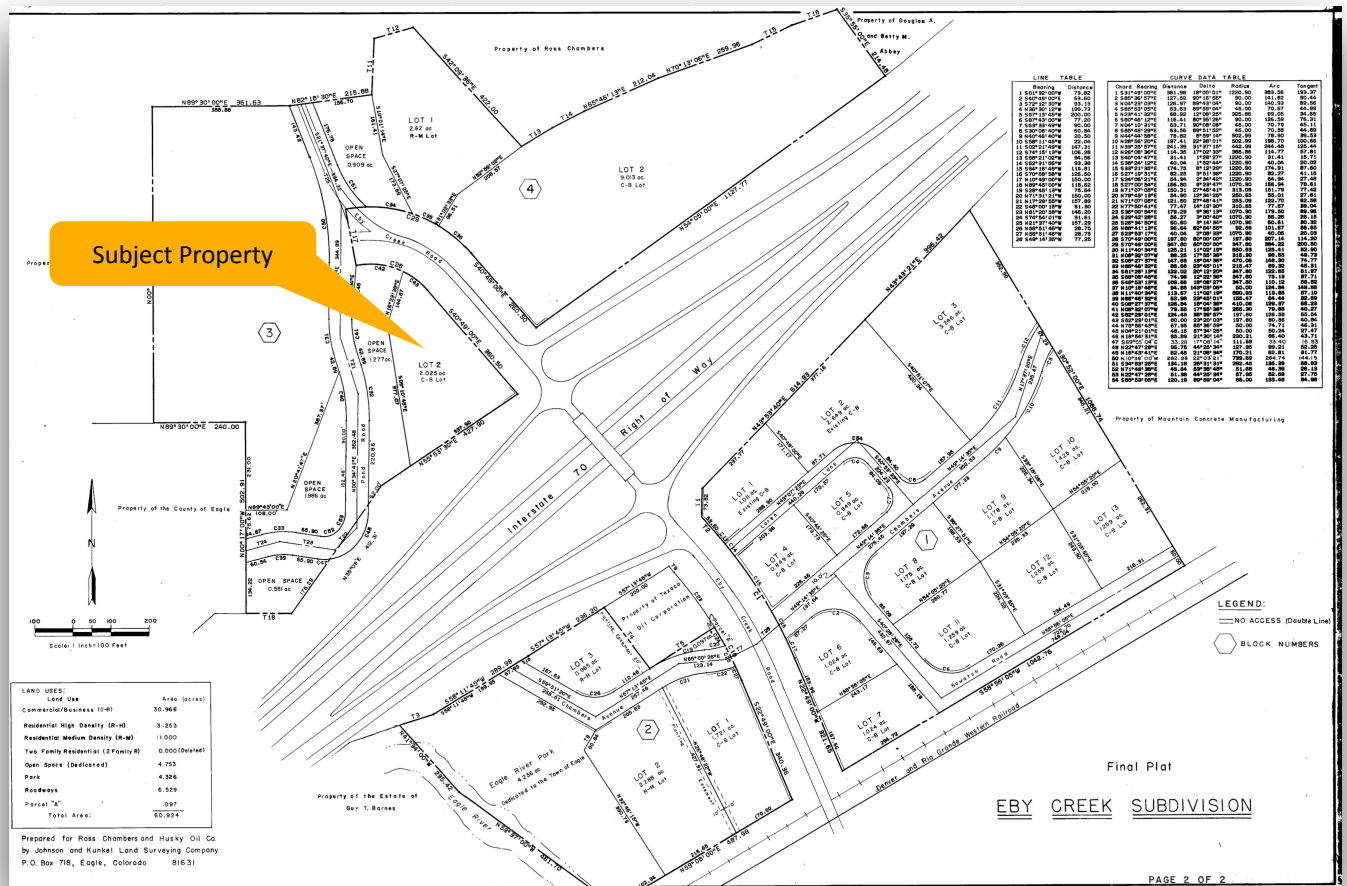
*An example of ANB Bank in Colorado. ANB Bank uses high quality, durable materials that are able to withstand the mountain climate. These materials are consistent with the architecture style of Eagle and recommended by the LUDC.*

The proposal is consistent with the applicable sections of the LUDC.

- b. Previous approvals. The development plan is consistent with any previously approved and still valid land use approval, such as a plat or PUD.**

Applicant Response:

The property is not within a PUD. It is part of the Eby Creek Subdivision. There are no limitations or requirements on the plat, other than it is shown as a commercial lot. The lot remains commercial and therefore is consistent with the original plat. A portion of the plat is provided below:



The property is subject to the Protective Covenants of Eby Creek Subdivision. Banks are listed as an allowable use for the commercial lots. The covenants lay out certain development standards including the following:

- Minimum Lot Area: No minimum
- Maximum Lot Coverage: Building - 50%, All other impervious - 30%
- Setbacks: Front and Rear - 25 ft, Side - 12.5 ft or half the height of the building
- Height: 40 ft.
- Parking: 1 space per 300 sf of floor area for service commercial

These standards generally mimic the requirements of the CG zone district and the proposal is consistent with these standards.

**c. Comprehensive Plan. The development plan is consistent with the Comprehensive Plan and other adopted area or corridor plans.**

**Applicant Response:**

The Town of Eagle "Economic Development Plan" (EDP) was adopted in October of 2023. It is intended to guide the Town's economic development programs, policies, and allocation of resources for the next 10 years. The EDP sets out an economic strategy with several goals and associated actions, many of which are applicable to this proposed project. Specifically, the plan states:



Create efficiency while proposing the health of the business community:

*Goal 2: Commit to the longterm growth of the Eagle.*

*Action: Engage the private sector to find efficiencies in the existing commercial hubs and support a breadth of approaches to development and tenanting effort.*

Attract net new expenditure dollars to Eagle:

*Goal 1: Increase aggregate customer time spent in economic business hubs. Curate a retail mix that optimizes cross shopping.*

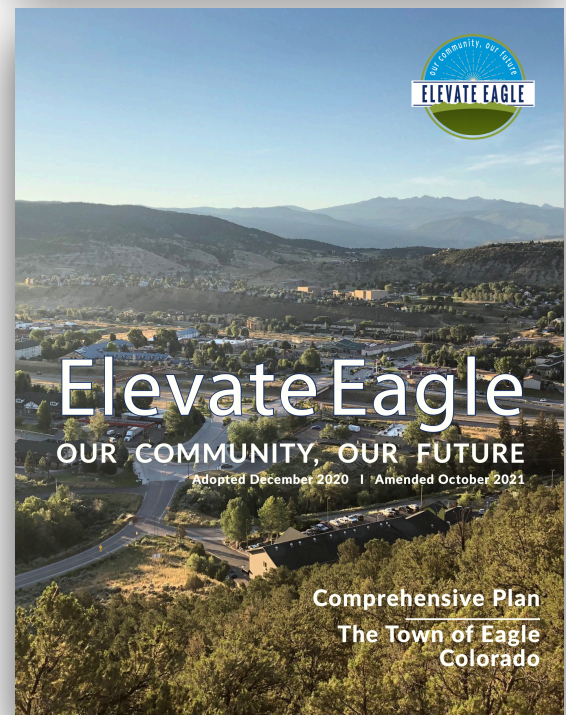
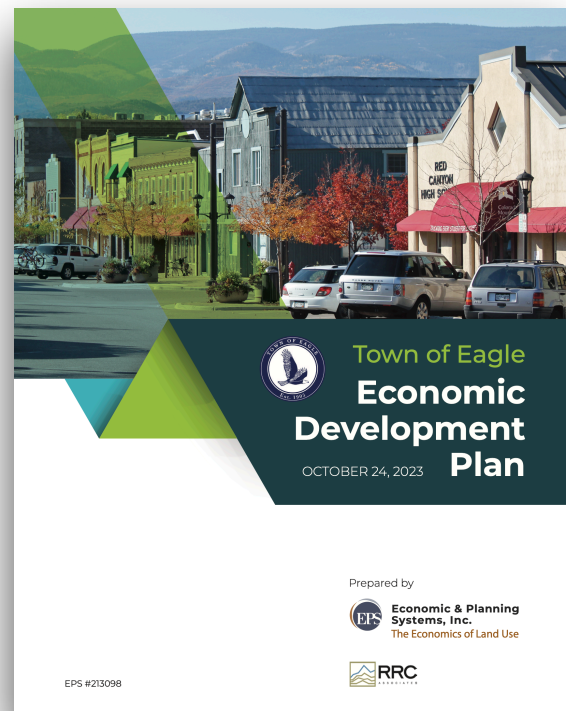
The EDP recognizes that vacant land is limited in Eagle and that the solution is to find ways achieve greater utilization of existing sites. The subject property and development proposal is a perfect example of putting this idea into practice. The current site is underutilized, especially since the Burger King closed. With ANB Bank's location the northern, vacant portion of the site, this will spur (re)development of the southern portion of the site. This location is served by existing utilities, including roadway capacity with the roundabout that allows for increased usage. The Market Street area receives more local visitation, providing local residents with commercial uses to serve their needs. In summary, the proposal is consistent with the EDP.

In December of 2020, the Town of Eagle adopted a new comprehensive plan - "Elevate Eagle." Elevate Eagle provides the future land use map for the Town. The subject property is identified as "Commercial/Light Industrial." This land use designation is described as:

*Centers of high economic base located near regional transportation corridors providing regional commercial services to locals and visitors. These areas support employment in more suburban development patterns, yet provide an intensity of uses to serve the immediate community and the larger region.*

Additionally, Elevate Eagle provides goals and policies that are applicable to the proposed project. Specifically, the plan states:

**GOAL 1-2. EXPAND AND DIVERSIFY THE TOWN'S ECONOMIC OPPORTUNITIES**



1-2.1. Provide opportunities that increase the likelihood of the Town's citizens to work within Eagle.

1-2.2. Promote commercial development that fits the desired character of the community and its character areas.

a. Support businesses and activities that benefit from Eagle's proximity to the I-70 corridor.

1-2.8. Encourage continued reinvestment in existing commercial areas.

1-2.10. Support the retention and expansion of regionally serving commercial and service uses.

Protect the light industrial areas from dilution and intrusion by other uses.

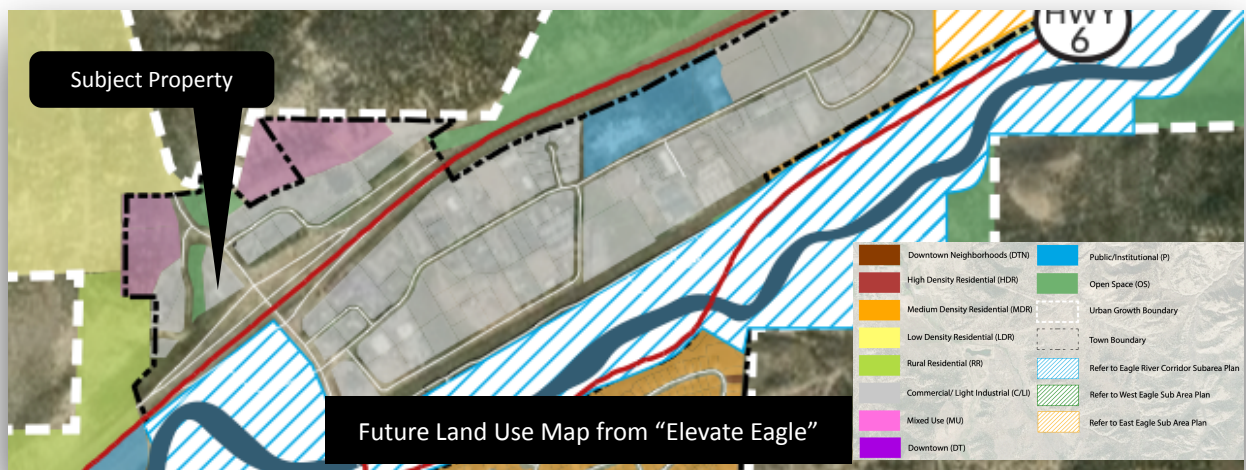
**Goal 2-7. POLICIES FOR THE INTERSTATE 70 INFLUENCE CHARACTER AREA: INCLUDING THE MARKET STREET AREA, EBY CREEK ROAD AREA, AND THE CHAMBERS AVENUE AREA.**

2-7.1. Portions of the I-70 Influence character area are intended to support commercial and industrial uses, exclusive of other uses. Improvements along Chambers Avenue and Market Streets are auto oriented with limited pedestrian amenities.

2-7.3. The existing design theme on Market Street should be maintained or enhanced with any new development or re-development in this part of Town.

2-7.4. Within allowances established by the Town's level of service (LOS) standards, promote additional highway-oriented businesses (which may also serve local needs) in the vicinity of Eby Creek Road.

2-7.6. Maintain existing commercial and industrial zoning in the Chambers Avenue, Market Street, Sawatch Road, and Marmot Lane areas



As proposed, the ANB Bank location is consistent with the Land use designation of Commercial/ Light Industrial. The proposal is also consistent with the specific policies related to the Market Street Area. The proposed bank has been designed to be consistent with the architectural design of other uses around the Market Street area. While the area is primarily auto-oriented, the site planning addresses pedestrian and bicycle needs. The traffic generated by the development is within the allowances of the Town's LOS standards. The proposal is therefore consistent with Elevate Eagle.



# Riparian Setback Reduction

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The Town recently adopted revisions to the riparian setback in Section 4.14.050(C) of the Eagle Municipal Code. The riparian setback is 75 ft. from the ordinary high water mark or the 100-year floodplain, whichever creates the greatest distance from the water's edge. The 75 ft. was an increase from the historical Town Code which required a 50 ft. setback. Recognizing the need to allow for a process for a reduction, the code now states:

*Upon a demonstration by the applicant that no adverse impacts will occur to the environment, the Director may reduce the riparian setback to 50 feet.*

The application of the 75 ft. setback to the subject property impacts the ability to develop the site. The existing drive aisle and parking areas, along with the trash enclosure, at the rear of the Burger King building are within the 75 ft. setback. The proposed ANB Bank has been designed to minimize any encroachments into the 75 ft. setback. No portions of the building are within the 75 ft. setback, but to accommodate the drive-thru, a small area of drive aisle and retaining wall are within the 75 ft. setback.

The applicant is requesting a reduction of the riparian setback to 50 ft. The submittal includes an Environmental Impact Report from Ecological Resource Consultants, LLC, that provides an analysis of the environmental resources of the subject property, including an review of the site for any potential wetlands. The analysis shows that there are no wetlands within either the 75 ft. or 50 ft. riparian setback. The proposed site plan shows that all site disturbance is well above any aquatic resources, as it is contained within the upland area of the site. The EIR finds that there will be no adverse impacts to the environment with a reduction of the riparian setback to 50 ft. The EIR states:

*Within the 2-acre survey area, an existing paved road, parking lot and vacant building with an existing utility easement are present. The proposed project will be constructed immediately north of these existing features in a relatively flat location which will involve minimal grading (Appendix A). Based on the findings listed herein, the proposed project will not result in adverse impacts to the environment within the Town 75-foot riparian setback, nor will the proposed project impact the existing infrastructure or utility easement. **Therefore, the proposed project meets the requirements outlined in Town Ordinance No. 8 and the riparian setback can be reduced from 75-feet to 50-feet.***

(pg. 15, Environmental Impact Report dated 12-16-24)