

DRAFT

Minutes

BOARD OF ADJUSTMENT

Regular meeting

6 p.m. Feb. 11, 2026

Board Meeting Room of Town Hall Annex, 105 E. Corbin St.



Board Members Present: Chair Raul Herrera, Vice Chair Dave Blankfard, Richard Chapple, Rob Iglesias, Sankalp Rangi and Eddie Sain

Absent: Garrett Sparks

Staff: Town Attorney Bob Hornik and Senior Planner Tom King

Speakers Present: Emilee Collins, Richard Turlington, Brad Rhinehalt and Jonathan Cooper

1. Call to order and confirmation of quorum

Chair Raul Herrera called the meeting to order. Senior Planner Tom King confirmed the presence of a quorum.

2. Agenda changes and approval

There were no changes to the agenda.

Motion: Member Rob Iglesias moved to approve the agenda as presented. Member Eddie Sain seconded.

Vote: 6-0. Motion passed.

Member Sankalp Rangi entered the meeting at 6:01 pm.

3. Minutes review and approval

Minutes from the regular meeting on December 10, 2025.

Chair Herrera asked the board if they had reviewed the minutes and if there needed to be any changed made. Hearing no comments, he asked for a motion.

Motion: Member Richard Chapple motioned to approve the December 10, 2025, minutes as submitted. Iglesias seconded.

Vote: 5-0. Motion passed.

4. Quasi-judicial evidentiary hearings

- A. Case BA-01-2026: Auman Village at Meadowlands – Special Use Permit Modification request at 1314 US 70-A East (Orange County Parcel Identification Numbers 9874-81-6134, 9874-81-8049 and 9874-80-9603). The applicant is 640 Meadowlands Drive, LLC. The property owner is Habitat for Humanity, Orange County, NC, Inc. The request is for a waiver from the 250-foot driveway separation requirement of Unified Development Ordinance Section 6.9.3.1.

The hearing was opened without a motion from the board.

Chair Herrera ensured there were no ex parte communications or conflicts of interest between board members and the applicant or property owner.

Chair Herrera swore in Senior Planner Tom King and the applicant's representative Emilee Collins.

King, having previously been sworn, identified himself and entered the staff report from the agenda packet given to the board members electronically into the record. King then entered a PowerPoint presentation into the record.

King proceeded with the presentation stating the subject property consists of three lots located at 1317 US 70-A East, to the east of the far eastern entrance road into the Meadowlands development. Lawrence Road is located farther to the east of the properties. King showed the board a copy of the recorded survey plat with the plat book and page numbers referenced for the properties, and a 2021 aerial photograph from the Orange County Geographic Information System. King stated the properties to the north, east and south of the subject property are residential in nature. The properties to the west are commercial and light industrial in nature.

King then showed the board a copy of the overall site plan for the Auman Village at Meadowlands project noting the project was originally called East Village at Meadowlands when approved by the Town Board of Commissioners on December 14, 2020. The original plans proposed 76 townhome lots with interior public streets. King stated the Auman Village at Meadowlands project was currently under development.

King then showed the board the applicant's site plan submitted in support of their request. King pointed out the applicant's project, known as Tryon Investments Phase III, and stated the applicant had received approval to construct a 10,000-plus square foot flex space building on their property with driveway access on Meadowland Drive. This project is also currently under development.

King stated the applicant approached staff in late 2025 about gaining driveway access to the proposed entrance road into the Auman Village at Meadowlands project. The town's Unified Development Ordinance requires a 250-foot separation between a driveway point on a public street that also intersects with a street classified as arterial or collector. The North Carolina Department of Transportation classifies US 70-A East as an arterial street. King stated the town's Street Manual also classifies it as an arterial (*Staff Note:* King was incorrect. The North Carolina Department of Transportation classifies it as a collector street. The classifications were correct in King's staff report.).

King also pointed out the proposed driveway location between the two projects, noting it will be 220 feet from US 70-A East as measured from the center point of the proposed driveway to the center of US 70-A East. The new driveway will line up with an interior street intersection within Auman Village at Meadowlands.

King asked if the board had any questions.

Member Chapple asked King about any safety concerns the North Carolina Department of Transportation may have about the proposed connection. King responded that, when the applicant first proposed the connection, he sent an email regarding the proposed driveway connection to the North Carolina Department of Transportation District Engineer's office, the town's Engineering Services Manager and the town's Public Works Manager. No agencies voiced any safety concerns with the proposed driveway connection.

King said he originally thought the applicant's request could be addressed with a text amendment to the Unified Development Ordinance. The proposed amendment would reduce the separation distance down from 250 feet to 150 or 100 feet. However, the town's Public Works Manager, who's no longer employed with the town, said he would not support a text amendment if it meant the reduction would apply in all cases. He had no issue with a waiver being granted through the special use permit modification process and in this specific instance.

Chapple asked if the Public Works Manager provided a reason why he would not support the text amendment. King responded he did not.

Vice Chair Blankfard asked what the flex space building includes. King said flex space can include retail, manufacturing and offices uses. King believed the applicant has a proposed tenant in the health care profession.

King stated both the applicant and property owner already have reciprocal easements in place for water and sewer, temporary construction and the proposed driveway access.

Town Attorney Bob Hornik asked if the proposed driveway will result in the need for the applicant to revise their plans. King said both project plans would have to be amended and reviewed for town stormwater and county erosion control compliance. The applicant's project was approved at the staff level. The Auman Village at Meadowlands project is before the board tonight because it is subject to a special use permit. King stated that, since there is already a legal access for the Tryon Investments Phase III project on Meadowland Drive, staff cannot use the "unless no other site access is legally practicable" provision of the ordinance to allow the proposed driveway connection, thus the need for a waiver.

Vice Chair Blankfard asked if the property owner had any issues with the proposal. Richard Turlington of Habitat for Humanity, Orange County, N.C., Inc., the property owner, provided unsworn testimony that the property owner had no issues with the project. Town Attorney Hornik clarified that the property owner had signed the application for the proposed special use permit modification request.

Chair Herrera asked if the applicant wished to speak.

Emilee Collins, having been previously sworn, approached the board and spoke on behalf of the applicant. She said King had given a good overview of the request and that the applicant thought having a secondary access would be a good idea for connectivity given the activity found in the adjacent Meadowlands development. Residents of Auman Village at Meadowlands will be able to walk or bike from Auman Village at Meadowlands over to the Meadowlands development.

Chapple asked if any heavy retail uses would be operated on the applicant's property. Collins stated there are only so many parking spaces to be provided on the Tryon Investments Phase III site, so heavy retail uses are not likely. The proposed building is divided into separate units, so retail could locate on the site.

Chair Herrera asked if the board had any further questions.

Iglesias said he usually relies heavily on the staff's analyses and recommendations and asked King to explain how the board can make a finding that the application complies with the requirements of Unified Development Ordinance Section 6. King responded that the Auman Village at Meadowlands project was approved in 2020 and the project is being developed subject to the special use permit issued at that time. The Unified Development Ordinance in effect in 2020 allowed boards to grant waivers from certain requirements

of Section 6 through the special use permit procedure. Based on this, the board may make a finding that the request complies with Section 6 subject to the approved waiver. King said if the project had been approved last year, and this request were coming before the board tonight, then the board would be hearing a request for a variance from the driveway separation requirement.

Chair Herrera asked if anyone else wished to speak on the matter. No one else spoke.

King then reviewed the four findings of fact the board must make in granting a special use permit or special use permit modification. King went over each finding and provided his analysis for each as found in the staff report shared with the board.

King said he had no recommended conditions to attach to the approval if granted. He also clarified for the board that they are not requiring the driveway connection, only allowing it should the applicant wish to proceed with putting the connection in.

Lastly, King stated that, before the driveway is installed, both projects would be subject to additional review, especially by town stormwater and county erosion control staff.

The hearing was closed without a motion from the board.

Hornik advised the board that they should make individual motions for each of the four required findings before making a motion on their decision.

Finding 1: That the use or development is located, designed, and proposed to be operated so as to maintain the public health, safety, and general welfare.

Motion: Iglesias motioned that this finding is met, agreeing with staff's analysis that the driveway connection will serve as a secondary access that could be helpful in cases of emergency. Chapple seconded.

Vote: 5-0. Motion passed.

Finding 2: That the use or development complies with all required regulations and standards of this Ordinance, including all applicable provisions of Articles 4, 5 and 6 and all applicable regulations.

Motion: Iglesias motioned that this finding is met, agreeing with staff's analysis that the requested waiver doesn't affect the development's compliance with Unified Development Ordinance sections 4 or 5. As for Section 6, while the driveway access will not meet the applicable separation requirement, the board heard evidence and testimony that the proposed driveway access will be beneficial in times of emergency and, for that reason, the requested waiver for the driveway location should be approved. Vice Chair Blankfard seconded.

Vote: 5-0.

Finding 3: That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity.

Motion: Iglesias motioned that this finding is met, agreeing with staff's analysis that no evidence exists showing the proposed driveway will negatively affect property values. Chapple seconded.

Vote: 5-0. Motion passed.

Finding 4: That the use or development conforms with the general plans for the physical development of the town and is consistent with the town's Comprehensive Plan.

Motion: Vice Chair Blankford motioned that this finding is met, agreeing with staff's analysis that that the proposal is consistent with the town's comprehensive plan. Iglesias seconded.

Vote: 5-0. Motion passed.

Decision:

Motion: Vice Chair Blankford motioned to approve the special use permit modification with the requested waiver. Chapple seconded.

Vote: 5-0. Motion passed.

5. Other business

- A. Case BA-02-2026: Collins Ridge Phase 2 - Special Use Permit expiration extension request at 256 and 258 Orange Grove Street (Orange County PINs 9874-20-8071, 9874-11-1612, 9874-11-3638 and 9874-11-5687). The applicant is McAdams c/o Brad Rhinehalt, PE. The property owner is SFTEN, LLC. The request is for a three-year extension to the current Special Use Permit's February 14, 2026, expiration date.

King stated this case is not subject to a quasi-judicial evidentiary hearing. He introduced the applicants, Brad Rhinehalt and Jonathan Cooper.

King showed the board a copy of the overall site plan for the Collins Ridge project, pointing out the areas of Phase 2. He told the board that some of them may remember when the special use permit request for Collins Ridge Phase 2 was heard and approved on February 14, 2024. He said special use permits are valid for 24 months. The board may authorize extensions to the expiration date if the permit-holder makes application for the extension prior to the permit's expiration date. King stated the applicants are requesting a three-year extension to the permit's expiration date. The new expiration date would be February 14, 2029.

Jonathn Cooper, Entitlements Manager with DR Horton, a subsidiary of the property owner, addressed the board and explained that construction projects don't move as quickly as they used to. The various required reviews and permits for construction take a lot of time. This project continues to move ahead.

Brad Rhinehalt of McAdams, project engineer, said they are in the third review stage of construction drawings and should be winding down in that regard. King added that the applicant has been diligent in getting their plans reviewed. The construction drawings for the project were first submitted in August of 2024 & have been in review since. The plans should be close to being approved. Approved construction drawings are required before state water and sewer permits may be issued.

Member Sankalp Rangi asked King about permit expiration dates. King explained that some permits have 12-month expiration dates while others have longer dates. Hornik stated some permit expiration dates are set by state law.

Rangi asked what would happen if the board didn't approve the extension. King stated the applicant could make a request that a common law vested rights determination be made. That request would be based on how much money and work has been invested to date based on the approved permit. Town Attorney Hornik confirmed this.

Tow Attorney Hornik clarified that a simple majority vote of the board is required to grant the request.

Motion: Iglesias motioned to approve the requested permit expiration date. Chapple seconded.

Vote: 5-0. Motion passed.

6. Committee and staff reports

King gave the board a brief update on the status of the Unified Development Ordinance update project.

7. Adjournment

Motion: Iglesias motioned to adjourn the meeting at 6:41 p.m. Vice Chair Blankfard seconded.

Vote: 5-0. Motion passed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tom King".

Tom King, AICP, CZO
Senior Planner
Staff support to the Board of Adjustment

Approved: Month X, 202X