

**PLANNING & ECONOMIC  
DEVELOPMENT DIVISION****STAFF REPORT**

Tom King, AICP, CZO - Senior Planner  
Secretary to the Board of Adjustment



101 East Orange Street

P.O. Box 429

Hillsborough, NC 27278

**Report Date:** February 4, 2026**BOARD OF ADJUSTMENT****Agenda Item:** 5.A

CASE NUMBER	CASE NAME	APPLICANT/PROPERTY OWNER
BA-02-2026	Collins Ridge, Phase 2 Permit Expiration Extension	McAdams c/o Brad Rhinehart/SFTEN, LLC
MEETING DATE	PARCEL ID NUMBERS	PROPERTY ADDRESS/LOCATION
February 11, 2026	9874-20-8071, 9874-11-1612, 9874-11-3638 & 9874-11-5687	256 & 258 Orange Grove Street

**BRIEF SUMMARY OF REQUEST**

Three-year (36-month) extension to the current special use permit's February 14, 2026, expiration date.

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING/LAND USE	FUTURE LAND USE CATEGORY	SIZE OF PROPERTY
RSU	Partially graded & developed acreage	<i>North:</i> LO, AR & MHP/Ball fields & vacant <i>South:</i> EDD/I-85 & vacant <i>East:</i> RSU, HIC & GI/Rail corridor & industrial <i>West:</i> HIC, MF & GC/Commercial & vacant	Mixed Residential Neighborhood	48.18 acres

**DISCUSSION OF STAFF FINDINGS****COMPLIANCE with UDO (UNIFIED DEVELOPMENT ORDINANCE)**

Not applicable.

**COMPATIBILITY with CSP (COMPREHENSIVE SUSTAINABILITY PLAN (2030))**

Not applicable.

**ATTACHMENTS:**

1. Letter requesting extension
2. Approved Special Use Permit
3. Approved overall site plan

## BACKGROUND:

The Board of Adjustment conditionally approved the special use permit for Collins Ridge, Phase 2 (Attachment #2) was approved on February 14, 2024. The project consists of the following components. Attachment #3 is a copy of the overall site plan approved for Collins Ridge, Phase 2.

	Development Pods Comprising Collins Ridge, Phase 2			
	Pod A	Pod B	Pod E	Pod F
Land Uses	Single-family Stormwater Control Measure #1	Single-family	Attached Dwellings, Townhomes	Attached Dwellings, Townhomes
# of Lots	50	29	36	15
Open Space (Acres)	2.88 <sup>1</sup>	1.84 <sup>1</sup>	0.18	2.51 <sup>1</sup>
Amenities	Park Area (.45 acres)	Park Area (1.60 acres)	Bike Rack	Park Area (acreage unspecified)
	Bike Rack	Walking/Biking Trail/Greenway (10 feet wide; asphalt; ~385 linear feet <sup>2</sup> )		Walking/Biking Trail/Greenway (10-feet wide; asphalt; ~970 linear feet <sup>2</sup> )
On-street Parking	0	0	17 spaces	0
Other Project Elements	Completion of perimeter walking/biking trail/greenway (10-feet wide; asphalt; ~5,415 linear feet <sup>2</sup> )			
	Dedication of 0.77 acres on the north side of Gold Hill Way to the town			
	Dedication of 12.45 acres south of I-85 to the town			

<sup>1</sup> Includes identified Park Areas

<sup>2</sup> Part of a 6,291 linear foot perimeter greenway network.

The applicant first submitted construction drawings for town TRC (Technical Review Committee) review on July 3, 2024. The most recent plans were submitted for review on January 21, 2026. The following table lists the dates construction drawings were submitted for TRC review and dates TRC review comments were transmitted to the applicant and property owner.

Construction Drawings Submitted for TRC Review	Review Cycle Number	TRC Comments Transmitted to Applicant & Property Owner
July 3, 2024	1	August 12, 2024
December 23, 2024	2	January 24, 2025
April 16, 2025	3	July 1, 2025
August 18, 2025	4	October 22, 2025
January 21, 2026	5	Pending

## APPLICANT'S REQUEST:

The applicant filed their request for a three-year (36-month) extension of the permit's expiration on January 16, 2026, placing the new expiration date as February 14, 2029. The request is made to allow additional time for project construction plan review and permitting through both the town and state. These permits involve road, water and sewer infrastructure, and are currently in progress.

## **APPLICABLE UDO PROVISIONS:**

### **Section 1 (General Provisions), Subsection 1.8 (Vested Rights):**

#### **Paragraph 1.8.2 (Site-specific and Phased Development Plans), Sub-paragraph 1.8.2.2 (Site-specific Development Plan):**

“Site-specific Development Plan” means a plan of land development submitted to the town by a landowner that describes with reasonable certainty the type and intensity of use for a specific parcel or parcels of land. *A Special Use Permit issued pursuant to Section 3.8 of this Ordinance is the only site-specific development plan recognized in this ordinance.*” [emphasis added]

#### **Paragraph 1.8.3 (Vested Right), Sub-paragraph 1.8.3:**

“Vested right” means the right to undertake and complete the development and use of property under terms and conditions of an approved building permit, or an approved site-specific or phased development plan, including any amendments thereto. Conditional approval of a site-specific or phased development plan shall result in a vested right, although failure to abide by such terms and conditions will result in forfeiture thereof.”

#### **Paragraph 1.8.4 (Duration and Termination of Statutory Vested Rights), Sub-paragraph 1.8.4.1:**

“An approved Site-specific Development Plan which has been vested as provided for in this section shall remain vested for a period of two (2) years from the date of approval. *This vesting shall not be extended by any amendments or modifications to a Site-specific Development Plan unless the property owner (or authorized agent) requests an extension in writing, and the permit-issuing authority approves such extension.*” [emphasis added]

### **Section 3 (Administrative Procedures), Subsection 3.8 (Special Use Permit), Paragraph 3.8.24 (Expiration):**

“An approved Special Use Permit expires 24 months from the date of approval if the Zoning Permit has not been issued for the project unless an extension of the expiration date has been granted by the Board of Adjustment. Extensions may be in the form of a longer expiration time approved with the initial Special Use Permit, or a separate request made in writing before the expiration of the standard 24 months.”

## **VOTING REQUIREMENT:**

A majority vote is required to grant the request.

# ATTACHMENT #1



DRH21002

January 16, 2026

Town of Hillsborough – Board of Adjustment  
101 East Orange Street  
Hillsborough, North Carolina 27278

**RE: Collins Ridge – Phase 2 Special Use Permit Case Number BA-01-2024  
Request For Extension**

Dear Chairman - Town of Hillsborough Board of Adjustment,

We would like to request a three (3) year extension of the current permit noted above. We request this time to allow for the continued construction plan and permitting approval process through both the Town of Hillsborough and State of North Carolina needed for the roadway, water and sewer infrastructure that are currently in progress.

We feel this additional time allowance will afford the team the time needed to complete the process successfully and move into construction.

Consideration of this response is greatly appreciated. If you should have any questions or require additional information, please do not hesitate to contact me at [REDACTED] or Jon Cooper at [REDACTED].

Sincerely,

A handwritten signature in blue ink that appears to read "Brad Rhinehalt".

Brad Rhinehalt, PE  
Senior Technical Manager, Residential  
McAdams

A handwritten signature in blue ink that appears to read "Jonathan Cooper".

Jonathan Cooper  
Entitlements Manager  
DR Horton – Central Carolina

BR/sms

63650  
mm

ATTACHMENT #2

Return to: SFTEN, LLC, c/o Bobby Stuart - [REDACTED]

NORTH CAROLINA  
ORANGE COUNTY

TOWN OF HILLSBOROUGH

**SPECIAL USE PERMIT**

On February 14, 2024, the Board of Adjustment for the Town of Hillsborough ("Board") met and held a quasi-judicial evidentiary hearing to consider the following application:

**Case Number:** BA-01-2024

**Project Name:** Collins Ridge – Phase 2

**Applicant:** The John R. McAdams Company, Inc. - [REDACTED]

**Property Owner:** SFTEN, LLC - [REDACTED]

**Street Address:** 256 and 258 Orange Grove Street

**Orange County Parcel Identification Number:** 9874-10-4417 [REDACTED]

**Description of Property Subject to Permit:** Approximately 97.12 acres of land and being a portion of that tract of land identified as "Elizabeth Collins Heirs" as shown on the plat and survey by The John R. McAdams Company, Inc. entitled "Elizabeth Collins Heirs Property" recorded in Plat Book 115, Page 129 of the Orange County Registry.

**Zoning of Property:** RSU (Residential Special Use)

**Use Classification:** Special Subdivision

**Description of Development:** Subdivision of property creating 130 lots (79 single-family detached and 51 attached dwelling (townhome) lots)

Having heard all the evidence and arguments presented at the quasi-judicial evidentiary hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Town of Hillsborough UDO (Unified Development Ordinance) for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the UDO and the following condition(s).

Submitted electronically by "Bagwell Holt Smith P.A."  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Orange County Register of Deeds.

Page 1 of 4

Submitted electronically by "Bagwell Holt Smith P.A."  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Orange County Register of Deeds.

**Specific Conditions of Approval**

(1) Land Dedication Timing: The 0.77-acre parcel of land located on the north side of Gold Hill Way, and 12.45-acre parcel of land located on the south side of US Interstate 85, both labeled in the submitted Collins Ridge-Phase 2, Special Use Permit plans as "to be dedicated to Town of Hillsborough," shall be formally offered for dedication to the Town of Hillsborough within 90 days of the approval of this SUP (Special Use Permit).

(2) Off-site Greenway Easement: The project developer shall cooperate with the Town in negotiating with the property owner regarding the off-site greenway easement crossing for the DOT (Department of Transportation) property identified as Orange County PIN (Parcel Identification Number) 9874-22-0495 and described in Deed Book 6316, Page 175, in the Orange County Registry.

**Additional Stipulations Applying to Permit**

Relationship to Approved Master Plan: The approval of this Special Use Permit shall not negate any applicable approval conditions attached to the Master Plan for the Collins Ridge development approved by the Town Board of Commissioners on March 14, 2016, as amended October 11, 2021, and June 12, 2023. The Collins Ridge Master Plan materials are on file with the Town of Hillsborough Community Services Department, Planning and Economic Development Division.

Relationship to Special Use Permit #2017-01: This Special Use Permit is intended to be in addition to the terms of Special Use Permit #2017-01 recorded at Records Book 6325, Pages 479 through 485 of the Orange County Registry. Its approval shall not negate any applicable waivers or conditions of approval attached to Special Use Permit #2017-01.

Completion of Project in Accordance with Approved Plans: The applicant shall complete the project strictly in accordance with the application materials and plans submitted to and approved by the Board, including any modifications or minor changes thereof as approved by the Board or minor changes approved by the Planning and Economic Development Manager, as applicable. A copy of the approved application materials and plans are filed in the Town of Hillsborough Community Services Department, Planning and Economic Development Division.

Permit Expiration: This Permit expires on **February 14, 2026**, if a Zoning Compliance Permit has not been issued for the project. Requests for an extension of the expiration date must be made to the Board of Adjustment in writing before the expiration date is reached.

Vested Right Established: This Special Use Permit constitutes a site-specific development plan establishing a vested right as provided by North Carolina General Statute 160D-108 (Permit Choice and Vested Rights) and UDO Subsection 1.8 (Vested Rights). Unless terminated at an earlier date, this Permit shall be vested until **February 14, 2026**. This vesting shall not be extended by any amendment or modification to the approved plans unless the property owner or authorized agent requests an extension in writing, and the Board approves such extension.

Minor Changes and Modifications: The Town of Hillsborough Planning and Economic Development Manager shall be consulted to determine whether any proposed change(s) to the approved project is a minor change or a modification, as defined in the UDO. Minor changes may be approved by the Planning and Economic Development Manager provided they are in harmony with the action of the Board. The Board shall approve any changes determined to be modifications.

Revocation: The Board may revoke this approval for any of the following:

- (a) substantial departure from the approved application, plans, or specifications,
- (b) refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the Town for enforcement purposes in lieu of the State, and/or
- (c) false statements or misrepresentations made in securing the approval.

Continued Validity: The continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.

Non-severability: If any of the conditions affixed hereto or any part shall be held invalid or void, then this Permit shall be void in its entirety and of no effect.

Specific Conditions of Approval Not Comprehensive: The list of specific conditions of approval applicable to this Permit is not intended to be comprehensive and does not exclude other federal, state, and local laws and regulations that may be applicable to this Permit and approved development project.

Permit Runs with the Land: The terms contained herein are binding on the present owners and their successors in title and interest, and shall henceforth be appurtenant to, and shall run with the title to said real property unless the conditions herein are otherwise vacated or changed by governmental action, the expiration of this Permit (including any approved extensions to its expiration date) or vacated or modified by action of a Court of competent jurisdiction.

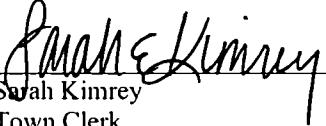
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IN WITNESS WHEREOF, the Town has caused this Special Use Permit to be issued in its name, and the undersigned, being all the property owners of the property above described, do hereby accept this Special Use Permit, together with all its conditions and requirements, as binding on them and their successors in interest.

TOWN OF HILLSBOROUGH

Attest:



  
Sarah Kimrey  
Town Clerk

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

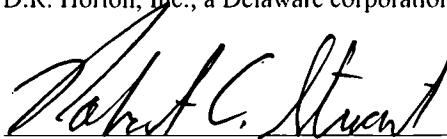
## ACCEPTED BY:

I, Robert C. Stuart, Assistant Vice President of D.R. Horton, Inc., on behalf of SFTEN, LLC, owner of the above identified property, do hereby acknowledge receipt of this Special Use Permit. The undersigned owner does further acknowledge that no work may be done pursuant to this Permit except in accordance with all its conditions and requirements, that failure to comply with the approved terms and conditions stated herein will result in forfeiture of this Permit, and that these restrictions shall be binding on them and their successors in interest.

SFTEN, LLC, a Delaware limited liability company

By:

D.R. Horton, Inc., a Delaware corporation



Robert C. Stuart  
Assistant Vice President  
Property Owner

STATE OF NORTH CAROLINA

COUNTY of WAKE

I, S. Elaine Hudspeth, a Notary Public in and for said State and County, do hereby certify that Robert C. Stuart, Assistant Vice President of D.R. Horton, Inc., on behalf of SFTEN, LLC, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 1 day of March, 2024.

  
Notary Public

My commission expires: 11-01-2027.

(Not valid until fully executed and recorded)

