



WORK SESSION
PINEVILLE TOWN HALL COUNCIL CHAMBERS
MONDAY, AUGUST 28, 2023, AT 6:00 PM

<https://us02web.zoom.us/j/89981170548>

AGENDA

CALL MEETING TO ORDER

NEW BUSINESS

1. **Social District** (*Sarah Longstreet/Travis Morgan*)
2. **Gvest** (*Jon Visconti*)

ADJOURN

If you require any type of reasonable accommodation as a result of physical, sensory, or mental disability in order to participate in this meeting, please contact Lisa Snyder, Clerk of Council, at 704-889-2291 or lsnyder@pinevillenc.gov. Three days' notice is required.

WORKSHOP MEETING

Pineville PLANNING & ZONING

To: Town Council
From: Travis Morgan
Date: 8/28/2023
Re: Pineville Social District (*Informational Item*)

BACKGROUND:

Sara Longstreet of Carolina Scoops proposes a Town Code Ordinance to allow a Pineville Social District in accordance with recently adopted state law. State law has enabled towns to create social districts under prescribed conditions. A social district is a defined outdoor area where alcoholic beverages, sold by an establishment licensed for the sale of alcoholic beverages for on-premises consumption, may be consumed. Ms. Longstreet on behalf of the Main Street merchants wishes to establish a district in Downtown Pineville to better Pineville businesses and community in accordance with state law. She notes growing adoption of social districts though municipalities in our area and across the state.

PROPOSAL:

See attached ordinance proposal. Businesses can choose to participate in the district or choose to not participate in the district. See ordinance district map for area of the proposed district for consideration. Proposed times and dates are year-round, Monday through Sunday, and between the hours of 12pm (noon) to 10pm.

STAFF COMMENT:

Social districts are a newer ordinance allowance that allows participants to open carry alcoholic beverages within a designated area. Individual businesses are still required to abide by state law and have valid alcohol licenses and oversight. It is used as a tool to help facilitate social and economic vitality within areas of high pedestrian activity and existing or desired restaurants and bars. This seems to support the land use and economic development sections within the Comprehensive plan.

Pros: Social districts can create economic development and tourism opportunities and supports our local businesses.

Cons: There are conditions from the state law that must be followed and the town will be required to administer the program.

NEXT STEPS:

If the proposal has support signage and graphics will need to be designed and made. This includes the logo, district entry signs, and business participant/non-participant signs to be displayed at individual businesses. Graphics can be approved as part of the ordinance vote or after the ordinance vote depending on Council direction and time considerations.

PROCEDURE:

This is an informational item only currently and follows standard legislative procedure. A public hearing and vote will be needed in the future to adopt this or similar proposal.



ORDINANCE 2023-03
An Ordinance to Establish a Pineville Social District

WHEREAS, NCGS § 160A-205.4 and 18B-300.1 allow that a city may adopt an ordinance designating one or more social districts,

WHEREAS, nothing herein supersedes or replaces any other state or federal law or relieves any participant from acts prohibited in NCGS 18B-300-309,

WHEREAS, a Pineville Social District(s) shall be created and maintained in a manner that protects the health and safety of the general public,

NOW THEREFORE, BE IT ORDAINED by the Pineville Town Council the Pineville Social District is created as follows:

1. Purpose and Intent

- (a) Pursuant to the provisions of North Carolina General Statute 160A-205.4, et seq and 18B-300.1, one or more Social Districts may be created within the town and the Town hereby creates and designates the Downtown Pineville Social District, hereafter “Social District” as shown on **Exhibit A**.
- (b) The Pineville Social District shall be created, designated, and managed in accordance with the requirements contained in North Carolina General Statute 160A-205.4 and Chapter 18B, as may be amended, updated or adopted from time to time.
- (c) Any Permittee, Non-Permittee or Person who violates this ordinance, and any Permittee, Non-permittee or Person who aids, abets, encourages, assists in, or contributes to such violation, shall be subject to one or a combination of the following methods:

Permit revocation, suspension, or permanent ban. Any Permittee, Non-permittee or Person who violates any provision of this article may be subject to its Social District Permit being revoked or suspended, or permanently banned from participating in the Pineville Social District(s).

Civil Penalty. Any Person who violates any provision of this article may be fined by a civil penalty of \$100.00 per occurrence which may be recovered by the Town in a civil

action in the nature of a debt if the violator does not pay the penalty within 30 days from the date the violator is notified of the penalty. Any other service charges imposed by this article may be collected by the Town as a civil penalty in a civil action.

Equitable remedy. The Town may apply to a court of competent jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.

2. Definitions

- (a) “Social District” means and refers to a defined area in which a Person 21 years or older may consume alcoholic beverages sold by a Permittee. A Social District may include both indoor and outdoor areas of businesses within or contiguous to the defined area. A Social District may include privately owned property, including Permittees and Non-permittee businesses, and multi-tenant establishments, as defined in G.S. 18B-1001.5, and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic.
- (b) “**Permittee**” means and refers to a Person holding any of the following permits issued by the North Carolina Alcoholic Beverage Control Commission established under North Carolina General Statute 18B-200.:
 - (1) An on-premises malt beverage permit issued pursuant to G.S. 18B- 1001(1).
 - (2) An on-premises unfortified wine permit issued pursuant to G.S. 18B- 1001(3).
 - (3) An on-premises fortified wine permit issued pursuant to G.S. 18B- 1001(5).
 - (4) A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
 - (5) A distillery permit issued pursuant to G.S. 18B-1100(5).
 - (6) A wine shop permit issued pursuant to G.S. 18B-1001(16).
- (c) “**Non-permittee**” means and refers to a business that is located in a Social District and does not hold an ABC permit.
- (d) "Person" means and refers to an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.
- (e) “Customer” means and refers to a Person who purchases an alcoholic beverage from an ABC Permittee that is in a Social District.
- (f) "Premises" means and refers to a fixed permanent establishment, including all areas inside or outside the establishment, where the business has control through a lease, deed, or other legal process.
- (g) “Waiver” means and refers to businesses in the Social District both Permittee and Non-permittee who do not want to participate in the Social District.

3. Application

- (a) The provisions and terms contained in this ordinance shall be applicable to the Social Districts illustrated in Exhibit A between the hours of 12:00 PM and 10:00 PM, Monday through Sunday.
- (b) Any alcoholic beverage purchased for consumption in the Social District shall (i) only be consumed in the Social District and (ii) be disposed of before the Person in possession of the alcoholic beverage exits the Social District.

4. Requirements for Sale of Alcoholic Beverages

Any Permittee in a Social District desiring to engage as a Social District participant, must apply for and obtain a Social District permit from the Town. The Permittee shall be responsible to operate its business in accordance with all Town and State ordinances, laws, rules, regulations and operations plan that governs Social District activities.

A Permittee located in the Social District may sell open containers of alcoholic beverages for consumption within the Social District and allow Customers to exit its Premises to the Social District in accordance with the following requirements:

- (a) The Permittee shall only sell and serve alcoholic beverages on its licensed Premises.
- (b) The Permittee shall only sell open containers of alcoholic beverages for consumption in the Social District and off the Permittee's Premises in a container that meets all of the following requirements:
 - (1) The container clearly identifies the Permittee from which the alcoholic beverage was purchased.
 - (2) The container clearly displays the Town-approved Social District logo that is unique to the Pineville Social District.
 - (3) The container is comprised of a recyclable and/or reusable material other than glass.
 - (4) The container displays, in no less than 12-point font, the statement, "Drink Responsibly - Be 21."
 - (5) The container shall not hold more than 16 fluid ounces.
 - (6) The container will be provided by the Permittee.
- (c) Notwithstanding G.S. 18B-300 and G.S. 18B-301, a Permittee business may allow a customer to possess and consume on the business's Premises alcoholic beverages purchased from any Permittee in the Social District.

5. Non-permittee Business Located within the Social District

- (a) The Town shall create and provide to participating Non-permittee businesses a uniform sign that indicates the Non-permittee business is participating in the Social District.
 1. The participating Non-permittee business shall display the uniform sign in front window at all times during the times when the Social District is active. A Customer may not bring an alcoholic beverage into a Non-permittee business that does not display the uniform sign.
 2. No Non-permittee business shall be required to participate or be included in a Social District or to allow Customers to bring alcohol onto its Premises.
- (b) All Non-permittee businesses that are part of a Social District and that allow Customers to bring alcoholic beverages onto their Premises shall clearly post town-approved signage on any exits that do not open to the Social District indicating that alcoholic beverages may not be taken past that point.
- (c) During the days and hours when the Social District is active, a Non-permittee business that allows Customers to bring alcoholic beverages onto its Premises shall allow law enforcement officers access to the areas of the Premises accessible by Customers.

6. Waiver of Participation

Businesses in the Social District, both Permittees and Non-permittees, who do not want to participate (allow Customers to bring alcohol on its Premises or will not serve alcohol for Social District purposes) shall sign a waiver and file it with the Town. The “Not Permitted Here” sign will be provided by the Town to be displayed by the Business.

7. Requirements for Possession and Consumption of Alcoholic Beverages

The possession and consumption of an alcoholic beverage in the Social District is subject to all of the following requirements:

- (a) Only alcoholic beverages purchased from a Permittee located in the Social District may be possessed and consumed.
- (b) Alcoholic beverages shall only be in containers meeting the requirements set forth in Section 4(b) of this ordinance, except for alcoholic beverages sold by a Permittee for consumption on the Permittee’s Premises.
- (c) Nothing in this ordinance shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in North Carolina General Statute 18B-1010 or permitting consumption in a motor vehicle or other type of transportation per North Carolina state law.
- (d) A Person shall dispose of any open container of an alcoholic beverage in the Person's

possession prior to exiting the Social District unless the Person is reentering the licensed Premises where the alcoholic beverage was purchased.

8. Penalty

The Town may enforce the provisions of this ordinance by one or a combination of the following methods:

Permit revocation, suspension, or permanent ban. Any Permittee, Non-permittee or Person who violates any provision of this article may be subject to its Social District Permit being revoked, suspended, or permanently banned from participating in the Social District.

Civil Penalty. Any Permittee, Non-permittee or Person who violates any provision of this article may be fined by a civil penalty of \$100.00 per occurrence which may be recovered by the Town in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days from the date the violator is notified of the penalty. Any other service charges imposed by this article may be collected by the Town as a civil penalty in a civil action.

Equitable remedy. The Town may apply to a court of competent jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.

9. Severability

If any section, phrase, sentence or portion of this ordinance is held void, invalid, unconstitutional or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

That all ordinances in conflict with the provisions of this ordinance are hereby repealed or amended to the extent of such conflict.

Adopted this _____ day of _____, 2023. Effective on date of signing.

Jack Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

EXHIBIT A

Downtown Pineville Social District





SMALL BUSINESS
ASSOCIATION

2023
Social District
Proposal

Created by
Sara Longstreet,
Carolina Scoops Ice Cream, LLC
Owner



2023 Social District Proposal for Downtown Pineville

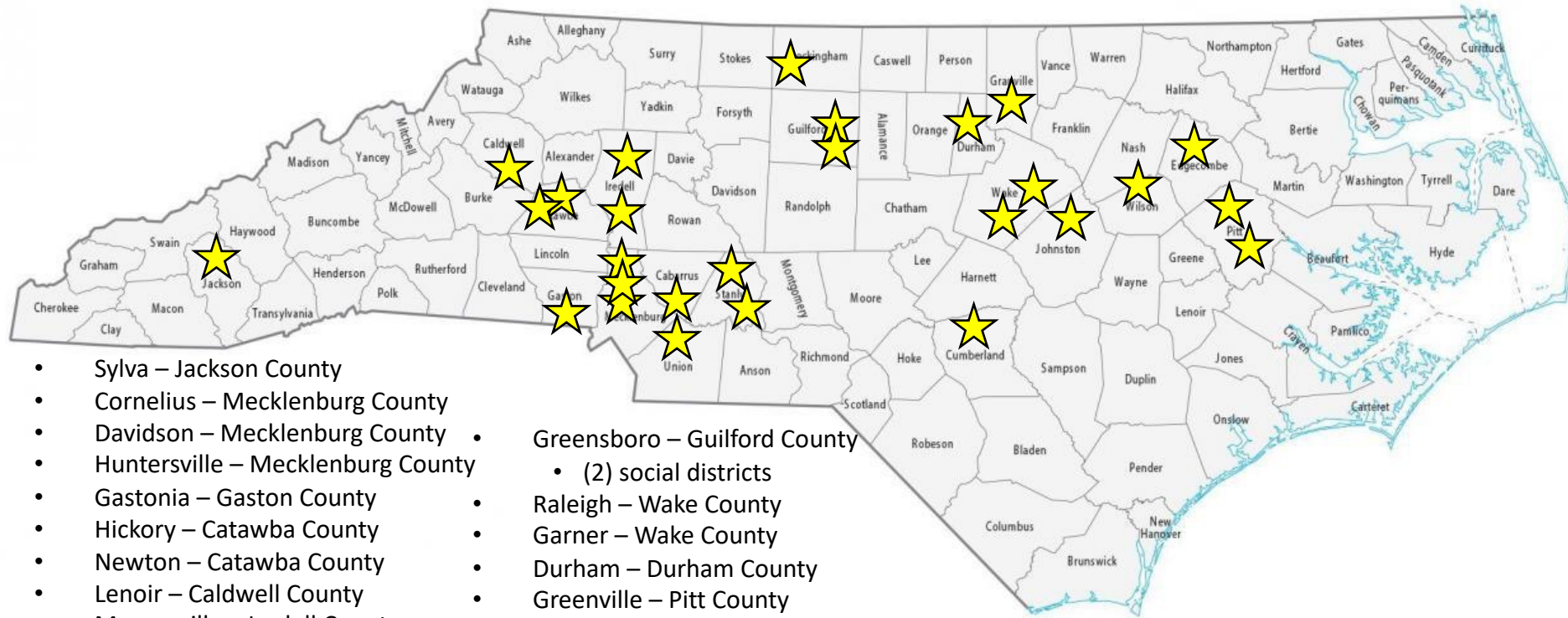
- Social district is defined as areas where people can walk with open, to-go containers of alcoholic beverages in a contiguous area. A social district may include both indoor and outdoor areas of businesses within the defined district during the days and hours established for the social district.



2023 Social District Proposal for Downtown Pineville

- In September 2021, Governor Roy Cooper passed new law allowing establishment of social districts in the state of North Carolina
 - (House Bill 980 – ABC Omnibus Legislation)
 - Kannapolis was the first established social district in NC
- Now there are ~25 municipalities that have established social districts in their towns or cities with small towns leading the way!
- Benefits include:
 - Help continue the revitalization of Downtown Pineville and drive foot traffic to our small businesses
 - Attract new businesses and economic growth to our town
 - Boost socialization at our community events

Established Social Districts in NC



- Sylva – Jackson County
- Cornelius – Mecklenburg County
- Davidson – Mecklenburg County
- Huntersville – Mecklenburg County
- Gastonia – Gaston County
- Hickory – Catawba County
- Newton – Catawba County
- Lenoir – Caldwell County
- Mooresville – Iredell County
- Statesville – Iredell County
- Kannapolis – Cabarrus County
- Monroe – Union County
- Norwood – Stanly County
- Albemarle – Stanly County

Greensboro – Guilford County

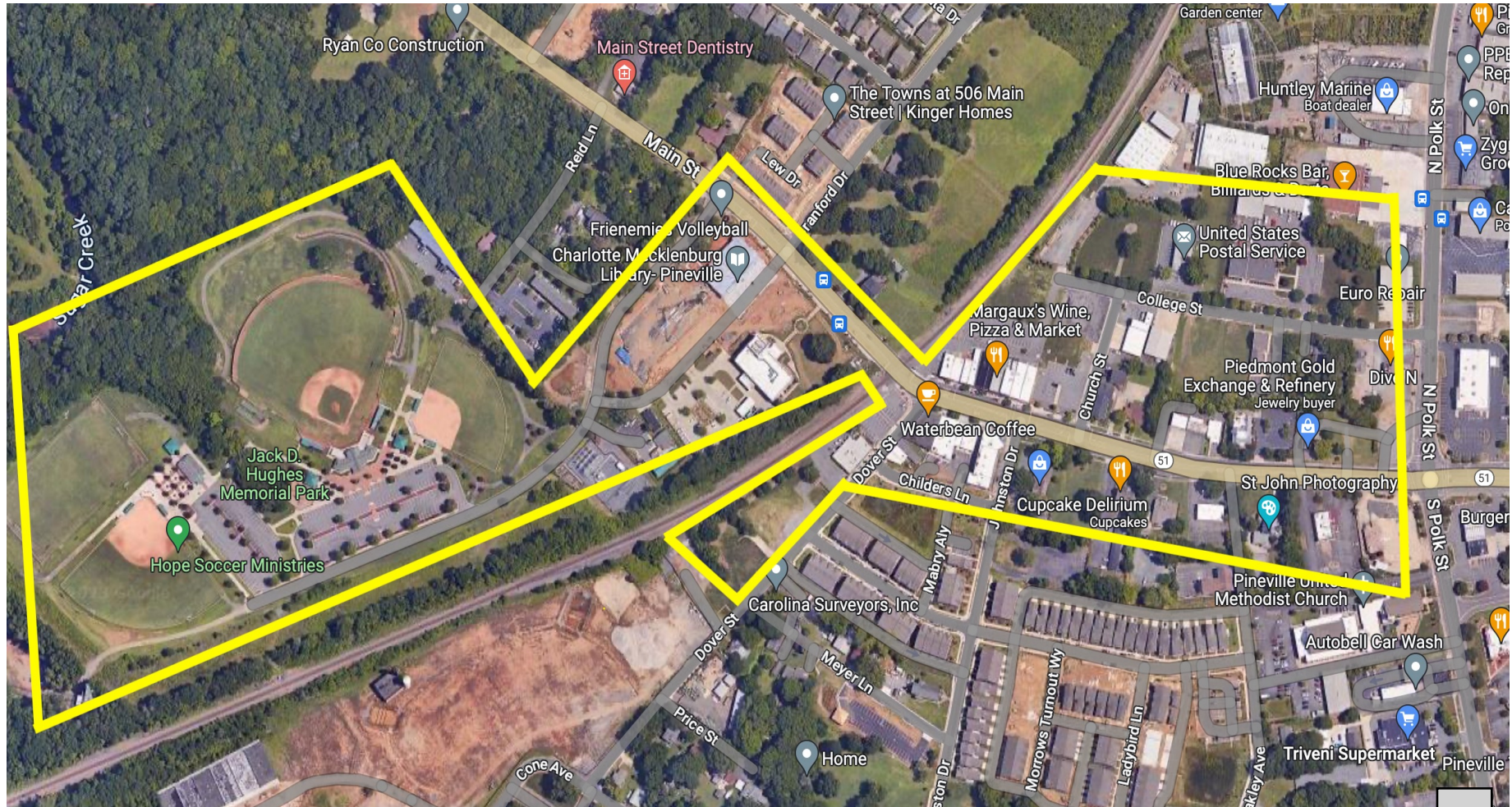
- (2) social districts
- Raleigh – Wake County
- Garner – Wake County
- Durham – Durham County
- Greenville – Pitt County
- (2) social districts
- Fayetteville- Cumberland County
- Tarboro – Edgecombe County
- Madison – Rockingham County
- Selma – Johnston County
- Oxford – Granville County
- Wilson – Wilson County

Carolina Scoops Ice Cream, LLC

Downtown Pineville Social District

Item 1.

- Proposed social district area includes Downtown Pineville Main Street and Jack D. Hughes Memorial Park



Downtown Pineville Social District

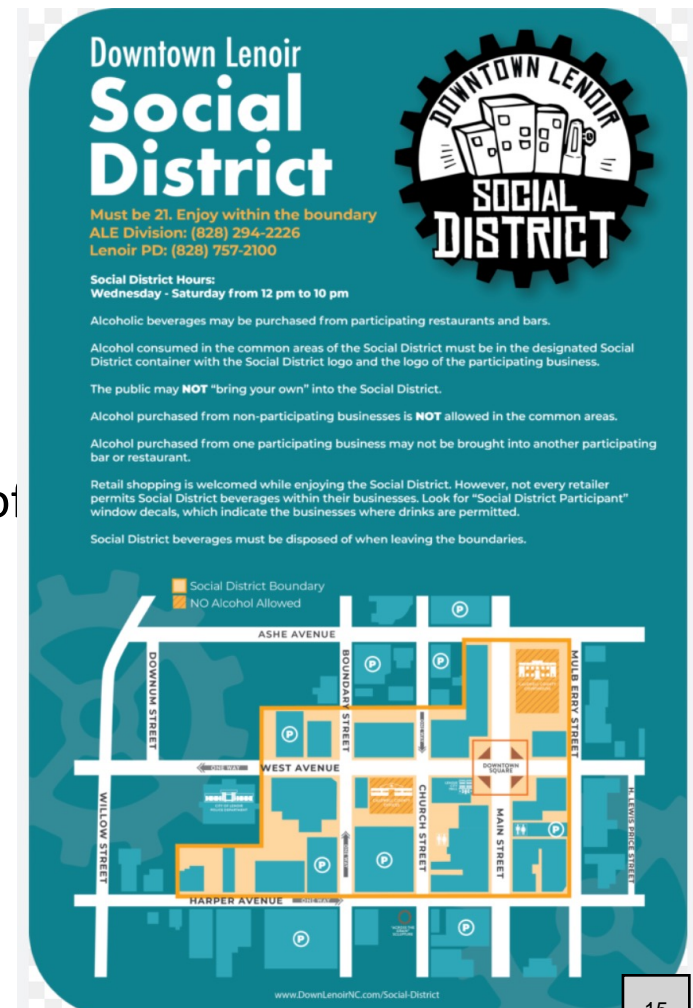
NC ABC Commission Requirements

- Town of Pineville required to post this info on the town website:
 - Management & maintenance plans
 - Drawings of social district boundaries
 - Days & hours of social district
- Town of Pineville must complete and submit social district registration form to NC ABC Commission with this info below:
 - Detailed map of social district with boundaries
 - Copy of ordinance established
 - Photos/ images of signage required
 - Copy of social districts management & maintenance plan
 - *ABC Commission registration form link on slide 12*

Downtown Pineville Social District

Signage Requirements

- Signage must include:
 - Social district geographic area
 - Days & Hours alcoholic beverages can be consumed within the social district
 - Telephone # for ALE Division & Pineville Police Dept
 - Clear statement that alcoholic beverage purchased in a social district shall only be consumed in the social district & disposed of before persons exit the social district
 - Do not litter
 - Permanent uniform signage have to be posted throughout the district & approved by CDOT
 - Signs no larger than 18" x 18"
 - Signs can be metal or corrugated



Downtown Pineville Social District

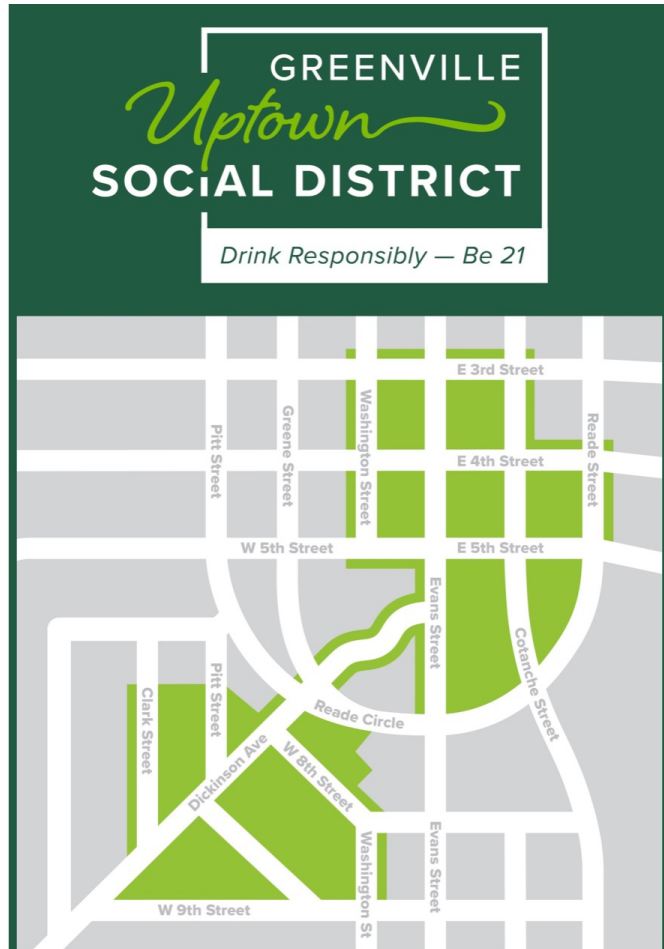
Signage Requirements

- Uniform signage needs to be created & distributed to permittee and non-permittee businesses that are included in the social districts indicating they allow or do NOT allow alcoholic beverages on premises when social district is active
 - This can be a sticker placed on businesses door



Downtown Pineville Social District

Signage Examples



7/29/23

Carolina Scoops Ice Cream, LLC

**EXITING SOCIAL DISTRICT
THANK YOU FOR VISITING**

⊗ **NO ALCOHOL BEYOND
THIS POINT. FOR MAP & ALL
GUIDELINES, PLEASE SCAN:**



where social happens
PLEASE ENJOY RESPONSIBLY

**THE DTM SOCIAL DISTRICT
IS IN EFFECT 7 DAYS A WEEK
FROM NOON TO 10PM**

Concerns, please contact:
NC ALE District VII office - 828-294-2226
Mooresville Police Dept. - 704-664-3311

Need Help with Addiction?
Contact: Drug-Alcohol Coalition
of Inedell - 704-448-3848



Downtown Pineville Social District

Days & Hours

- Social District Days and Hours
 - NC law states...
 - Allowed to operate 7am until 2am Monday – Saturday
 - Noon until 2am on Sunday's
- Suggested days & hours for our Social District:
 - **Noon to 10pm; 7 days a week**



Downtown Pineville Social District

Cup Requirements

- 16 oz clear plastic cup
 - No larger than 16 oz
 - No glass
- Social District logo
 - Town of Pineville
- Business logo
 - Business with ABC permit distributing the alcohol
- “Drink Responsibly-Be 21”
 - No less than 12 pt font



Social District References

- NC State Law
 - <https://www.ncleg.gov/Sessions/2021/Bills/House/PDF/H211v8.pdf>
- NC ABC Regulations
 - <https://abc.nc.gov/PublicResources/LegalAnnouncement/354>
 - Registration form: [https://portal.abc.nc.gov/Web/Documents/Sections/Permits/GeneralForms/Social District Registration Form.pdf](https://portal.abc.nc.gov/Web/Documents/Sections/Permits/GeneralForms/SocialDistrictRegistrationForm.pdf)
- City of Charlotte / Mecklenburg County
 - Ordinance: https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTIICOOR_CH15OFMIPR_ARTXVSODI
 - <https://www.charlottenc.gov/City-Government/Initiatives-and-Involvement/Social-Districts>
 - <https://www.charlottenc.gov/files/sharedassets/city/city-government/initiatives-and-involvement/documents/social-districts/social-districts-sandp-final.pdf>



DEVELOPMENT SUMMARY

PROPOSED RESIDENTIAL:	+/- 162 D/U
TOWNHOMES:	
FRONT-LOAD:	41 D/U
REAR-LOAD:	121 D/U
PROPOSED RESIDENTIAL PARKING:	+/- 536 SPACES
	3.3 SPACES / UNIT
RESIDENTIAL GARAGE (2 SPACES / D/U)	
310 SPACES	
DRIVEWAY/PARKING PAD PARKING (2 SPACES / D/U)	
124 SPACES	
OFF-STREET PARKING	
15 SPACES	
DEDICATED ON-STREET PARKING FOR RESIDENTS AND GUESTS	
87 SPACES	
PROPOSED COMMERCIAL:	+/- 41,000 SF
BLDG 1:	4,800 SF
BLDG 2:	SEMI-PERMANENT
BLDG 3:	25,000 SF (2 FLOORS)
BLDG 4:	10,000 SF (2 FLOORS)
BLDG 5:	1,400 SF

KEY:

- 1 EXISTING COMMERCIAL BLDG
- 2 SEMI-PERMANENT
- 3 COMMERCIAL BLDG
- 4 COMMERCIAL BLDG
- 5 KIOSK RETAIL
- 6 PARKING
- 7 RETAIL PLAZA / OUTDOOR DINING
- 8 TOWN GREEN
- 9 PUBLIC PARK
- 10 REAR LOAD TOWNHOMES
- 11 FRONT LOAD TOWNHOMES
- 12 RESIDENTIAL PARK
- 13 POCKET PARK
- 14 STORMWATER MANAGEMENT
- 15 FUTURE CONNECTION

- KEY:**
- 1 RETAIL PLAZA AREA
 - 2 SEMI-PERMANENT
 - 3 COMMERCIAL BLDG
 - 4 OUTDOOR DINING/ PLAZA AREA
 - 5 PEDESTRIAN CROSSING
 - 6 KIOSK / JEWELBOX RETAIL
 - 7 SHADE STRUCTURE
 - 8 PLAYGROUND/ SPLASH PAD
 - 9 TOWN GREEN



SEMI-PERMANENT



TOWN GREEN



RETAIL + PLAZA





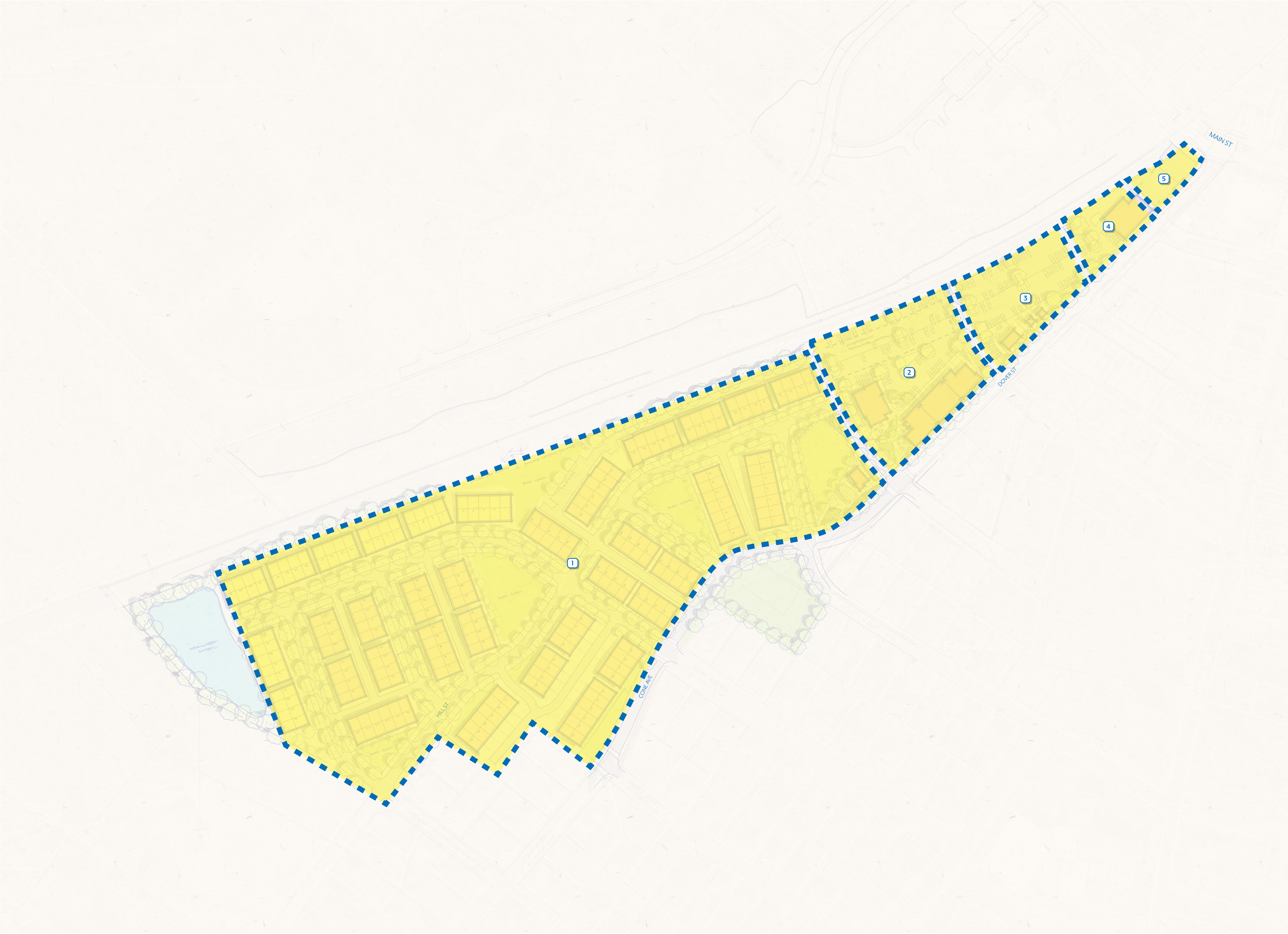
KEY:

- 1 RETAIL PLAZA AREA
- 2 SEMI-PERMANENT
- 3 COMMERCIAL BLDG
- 4 OUTDOOR DINING/ PLAZA AREA
- 5 PEDESTRIAN CROSSING
- 6 KIOSK / JEWELBOX RETAIL
- 7 SHADE STRUCTURE
- 8 PLAYGROUND/ SPLASH PAD
- 9 TOWN GREEN
- 10 PUBLIC PARK
- 11 ENHANCED LANDSCAPE AREA
- 12 ACTIVE LAWN
- 13 FUTURE CONNECTION

CONE MILL SITE | COMMUNITY OPEN SPACE

#23008| 08.14.2023 | Prepared for GVEST





DEVELOPMENT SUMMARY

PROPOSED RESIDENTIAL:	+/- 162 D/U
TOWNHOMES:	
FRONT-LOAD:	41 D/U
REAR-LOAD:	121 D/U
PROPOSED COMMERCIAL:	+/- 41,000 SF
BLDG 1:	4,800 SF
BLDG 2:	SEMI-PERMANENT
BLDG 3:	25,000 SF (2 FLOORS)
BLDG 4:	10,000 SF (2 FLOORS)
BLDG 5:	1,400 SF
PROPOSED PARKING:	
RESIDENTIAL TOWNHOMES:	
1-2 BR:	3 SPACES/UNIT
3+ BR:	3.25 SPACES/UNIT

KEY:

- 1

RESIDENTIAL PARKING
+/- **536 SPACES** 3.3 SPACES / UNIT
RESIDENTIAL GARAGE (2 SPACES / D/U)
310 SPACES
DRIVEWAY/PARKING PAD PARKING (2 SPACES / D/U)
124 SPACES
OFF-STREET PARKING
15 SPACES
DEDICATED ON-STREET PARKING FOR RESIDENTS
AND GUESTS
87 SPACES
- 2

COMMERCIAL PARKING
137 SPACES 3.7 SPACES / 1,000 SF
- 3

SHARED DOWNTOWN AND COMMERCIAL OVERFLOW
PARKING
116 SPACES
- 4

REQUIRED COMMERCIAL PARKING
16 SPACES 3.3 SPACES / 1,000 SF
- 5

DEDICATED DOWNTOWN SPACES
18 SPACES

THE CONE MILL LOOP (3/4 MILE)

- 1 DOWNTOWN ENERGY
- 2 SEMI-PERMANENT CORRIDOR, IMPROVED STREETSCAPE, MILL/RAILROAD MATERIAL REFERENCE
- 3 CENTRAL PARK WITH MILL ARTIFACTS AND INFORMATIONAL SIGNAGE
- 4 RESIDENTIAL PARK
- 5 PUBLIC PARK





DEVELOPMENT SUMMARY	
PROPOSED RESIDENTIAL:	+/- 162 D/U
TOWNHOMES:	41 D/U
FRONT-LOAD:	121 D/U
REAR-LOAD:	536
PROPOSED RESIDENTIAL PARKING:	536 SPACES
RESIDENTIAL GARAGE (2 SPACES / D/U):	3.3 SPACES / UNIT
DRIVEWAY/PARKING PAD PARKING (2 SPACES / D/U):	124 SPACES
OFF-STREET PARKING:	15 SPACES
DEDICATED ON-STREET PARKING FOR RESIDENTS AND GUESTS:	87 SPACES





Workshop

Pineville PLANNING & ZONING

To: Town Council

From: Travis Morgan

Date: 8/28/2023

Re: Cone Mill GVEST Proposal 436 Dover (*Informational Item*)

REQUEST:

Gvest Capital seeks your consideration and approval for a conditional zoning proposal to allow for the redevelopment of the former Cone Mill site.

DEVELOPMENT SUMMARY:

Location: 437 Cone Ave
Zoning: Existing: DC
 Proposed: DC(CD)
Parcel Size: 29.718± acres

TOWNHOME UNITS: **162 (not to exceed)**
 121 – rear loaded garage units
 41 – front loaded garage units

TOWNHOME PARKING:
minimum required: 527 3.25/unit
provided: 536 3.3/unit (meets ordinance)

TOWNHOME PARKING LOCATION:
within garage: 2 spaces per unit (310 spaces)
parking pads by garage: 124 spaces
other off-street parking: 15 spaces
on street parking spaces: 87 spaces

Commercial **41,000 square feet**
BLDG 1 4,800 sqft 1 story
BLDG 2 semi-permanent flex
BLDG 3 25,000 sqft two stories
BLDG 4 10,000 sqft two stories
BLDG 5 1,400 sqft 1 story

Commercial Parking:

Total Commercial area parking (areas 2,3,4,5) = 287 spaces (meets ordinance)

Ordinance sample parking calcs:

If General commercial is 1/500 = 82 spaces

ELEVATIONS:

Townhomes:

Townhome material will be fiber cement and brick. One unit of the blocks will be full brick. GVEST is requesting the townhome product along the rear portion of the site adjacent to the railroad to allow a front load product.

Commercial:

Staff would note that commercial building to meet design and brick requirements of the Downtown Overlay.

STAFF COMMENT:

The integrated park space throughout is appreciated and parking counts are met. Proposal has a multifaceted commercial component and lower density townhome proposal as opposed to apartments is noted. Initial architectural designs seem consistent with recent approvals but your special allowance or consideration is needed on the front load townhomes proposed. The overall proposal and flow of the development is appreciated. Additional road right of way may be needed for Dover and the standard engineering, stormwater, and dimensional standards will be needed for final plans but the sketch plan developed for you to review.

PROCEDURE:

This is an informational item for your review and consideration. No action is needed. Council feedback is welcomed. Should the proposal have support, additional meetings including a public hearing can be scheduled.