

MINUTES
PLANNING AND ZONING COMMISSION MEETING
March 4, 2024
Vape Store Ordinance

HOLD a public hearing and consider an ordinance amending Chapter 31 of the Killeen Code of Ordinances providing for regulations regarding vapor stores.

Ms. Meshier presented the staff report for this item. Ms. Meshier explained that on January 23, 2024, the City Council made a Motion of Direction to have staff prepare an ordinance limiting vape shops to the “B-4” and “B-5” zoning districts only and prohibiting them within one thousand (1,000) feet of a public school.

Ms. Meshier explained that, in accordance with S.B. 929, staff sent written notices to property owners and tenants of all businesses that would become nonconforming if the proposed ordinance is adopted. If the proposed ordinance is adopted, the thirteen (13) existing vape shops would become legal nonconforming uses, which means that they could continue to operate as-is.

Commissioner Sabree asked what the purpose of the proposed ordinance is if existing vape shops will be able to continue operating. Ms. Meshier explained that any legal use in existence prior to the adoption of an ordinance change is able to continue to operate as a legal nonconforming use. She stated that the proposed ordinance, if approved, would prevent future vapor stores in the areas specified in the proposed ordinance.

Ms. Meshier further clarified that the proposed ordinance does not address convenience stores, gas stations, c-stores, or other businesses that sell e-cigarettes, if their e-cigarette sales make up less than 80% of their total sales.

Chairman Minor asked who would be responsible for conducting auditing to ensure that the sales of e-cigarettes do not make up more than 80% of the business’ total sales. Ms. Meshier explained that it would be based on the business owner’s intended use, as described on their Certificate of Occupancy application, and on the forecasted sales expected for the business. After the business owners have secured their Certificate of Occupancy, it would be a Code Enforcement issue and would be enforced be on a complaint business.

Chairman Minor opened the public hearing at 6:01 p.m.

Ms. Melissa Brown spoke in opposition to the proposed ordinance. She stated that the proposed ordinance would regulate vape shops more stringently than alcohol uses. She also stated that if the proposed ordinance is adopted, it should apply to charter schools and private schools as well.

With no one else wishing to speak, the public hearing was closed at 6:04 p.m.

Commissioner Wilson moved to recommend disapproval of the proposed ordinance. Commissioner Gukeisen seconded.

Commissioner Gukeisen stated that the proposed ordinance is unfair to future business owners because it applies only to vapor stores, but not to convenience stores that sell vape products. He further stated that if young people want to purchase e-cigarettes, they will, even if they must go to a store that is more than one thousand (1,000) feet from a school. He also expressed that if KISD is concerned about e-cigarettes, they should be the ones to address it. Commissioner Gukeisen stated that, if such an ordinance is approved, it should apply to all businesses that sell e-cigarettes, and to private and charter schools, not just public schools.

With no further discussion, the motion to recommend disapproval of the proposed ordinance passed by a vote of 7 to 0.