



MEMO

TO Planning Commission
FROM Adam Springer, Planner II
DATE March 10, 2026
RE Special Use Permit Request – No street address – Kona Ice of Peaks and Valleys (PLN26-009)

Applicant: Karl and Gabriella Vogelbacher on behalf of Kona Ice of Peaks and Valleys

Property Owner: Town of Winter Park

Location: No street address; Town streets and parks

Special Use Permit Request:

Request to operate a street vendor use, i.e., a food truck. The truck would be located on Town property to provide shaved ice at special events and fundraisers.

Applicant's Reasons why the Permit Should be Granted:

See applicant's application for details.

Applicable Provisions of the Unified Development Code (UDC):

§ 2-B-3, Limited and Special Uses; § 5-E-2, Special Use Permit

Applicable Provisions of the Town Code of Winter Park (Code):

Title 3, Chapter 9, Mobile Vending

A Long-Term Mobile Vending Permit, if granted, expires one (1) year from issuance and requires a new permit for each year of continued operation in accordance with Title 3.

§ 5-E-2(F) Approval Criteria:

An application for a special use approval shall be approved if it is demonstrated that:

1. The proposed use in its proposed location will not conflict with the implementation of current adopted plans of the Town;
2. The use is compatible with surrounding land uses and the natural environment, and will not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment plans for surrounding land uses;
3. The use can be adequately served by existing and/or proposed public services including streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection; and
4. The use promotes at least one of the following:
 - a. A needed community service;
 - b. A quality economic development and opportunity;
 - c. A mixed use and pedestrian-oriented environment to support a variety of land uses in close proximity to one another such as employment, housing, recreation, and retail; or
 - d. More efficient use of public infrastructure.

§ 5-B-8 Public Notice Requirements:

This SUP application has had proper public notification pursuant to § 5-B-8 of the UDC. A Newspaper Publication (PUB) was published in the Middle Park Times on February 25, 2026, providing notification of the hearing, and requesting comments.

No comments have been received at this time.

Staff Comments:

Background

Applicant requests a long-term mobile vending operation to operate a mobile food truck serving gourmet shaved ice throughout Town on main and side roads within the D-C (Destination Center) zone district. The Planning Commission is reviewing this application to determine if the SUP application meets the applicable criteria in § 5-E-2(F) of the UDC.

This applicant has been granted a SUP from 2019-2022 and in 2024-2025. It has operated throughout each season without negative repercussions. They did not apply for a permit in 2023.

Location

This SUP would only apply to the public ROW within the D-C zone in and around Hideaway Park.

Outdoor Lighting

N/A, existing on-street lighting will be used.

Parking

N/A.

Loading

N/A

Odor Control

N/A.

Operation

Applicant has not indicated proposed hours of operation, but proposes to operate upon permit issuance to October 31, 2026. Staff has proposed 10:00 a.m. through 10:00 p.m. daily, or until not more than one hour after the end of the event where vending is occurring.

Staff Conclusions

Staff believes the Application meets § 5-E-2 the UDC. Staff supports the location of this proposed use as the use is compatible with surrounding commercial land uses in the area including restaurants, retail, and hotels. The D-C zone district is the most appropriate district for this use and the relevant site has operated as a gathering area for many years. Staff finds that any adverse impacts of the use are adequately addressed.

Staff Recommendation:

Staff finds the applicant has submitted all required materials within the timeframe required and all other materials comply with the conditions of Title 3, Chapter 9 of the Town Code of Winter Park and conform to all applicable policies and regulations of the UDC. Staff therefore recommends the Planning Commission recommend approval of the SUP for Kona Ice with the conditions outlined below:

- a. In accordance with § 5-B-13 of the UDC, the Special Use Permit shall remain in effect so long as the business is continuously operated in conformance with this approval but for not more than a year per Town Code of Winter Park, Section 3-9-5.
- b. Approval of this Special Use Permit is contingent upon the approval and issuance of any and all applicable State and Town licenses and/or permits.
- c. The Special Use Permit is not assignable to any other person or entity.
- d. The operation must be located in a public designated parking space in order to operate.
- e. During special events within Hideaway Park specifically, a vendor license must be purchased from the Chamber of Commerce. If not, this special use permit is not valid during those events and the mobile food cart is not permitted on those weekends.
- f. Display apparatus is to be removed from public property at the end of each working day.
- g. No tents shall be allowed in conjunction with the operation.
- h. The operation shall maintain both the permitted area, the immediate area surrounding the permitted area and the display apparatus in a neat, clean and hazard-free condition.
- i. Hours of operation - 10:00 a.m. through 10:00 p.m. daily, or until not more than one hour after the end of the event where vending is occurring.

Sample Motion for Approval:

I move to recommend the approval of the SUP regarding a Long-Term Mobile Vending Use for Kona Ice as it was determined the application is in conformance with § 5-E-2 of the UDC with the staff conditions outlined above.

Sample Motion for Denial:

I move to deny the SUP regarding a Long-Term Mobile Vending Use for Kona Ice as it was determined the application is NOT in conformance with § 5-E-2 of the UDC *[insert explanation supported by the evidence here]*.