

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED SOUTH OF INTERNATIONAL DRIVE, EAST OF KIRKMAN DRIVE, AND WEST OF GRAND NATIONAL DRIVE, COMPRISED OF 5.64 ACRES OF LAND, MORE OR LESS, AS PLANNED DEVELOPMENT DISTRICT ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL ZONING MAPS; AND PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of October 20, 2015, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2015-00036, requesting the Planned Development zoning district designation for approximately 5.64 acres of land, generally located south of International Drive, east of South Kirkman Drive, and west of Grand National Drive, and more precisely described by the legal description attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); and

WHEREAS, based upon the evidence presented to the MPB, including the information and analysis contained in the "Staff Report to the Municipal Planning Board" for application case number ZON2015-00036 (entitled "Item #11 – I-Square Mall, Hotel & Helipad Planned Development, and hereinafter referred to as the "Staff Report"), and subject to certain conditions contained within the Staff Report, the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning application and adopt an ordinance in accordance therewith; and

WHEREAS, the applicant in zoning application case number ZON2015-00036 requested the Planned Development (PD) zoning district designation for the purpose of permitting a 23-story (400 foot tall) hotel, 434,831 square feet of vertical mall retail, 7 stories of internal parking, a rooftop observation deck, and a vertiport, hereinafter the "Project"; and

WHEREAS, the MPB found that the Project is consistent with the City's adopted Growth Management Plan (the "GMP") including the applicable goals, objectives, and policies associated with the Property's existing Future Land Use Map designation of Metropolitan Activity Center (MET-AC); and

WHEREAS, the Orlando City Council hereby finds that the Project is consistent with the intent and purpose of the planned development district zoning designation as established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the "Orlando City Code"); and

WHEREAS, the Orlando City Council hereby finds that the Project and this ordinance is in the best interest of the public health, safety, and welfare, and is consistent with the applicable provisions of the City's GMP, including the applicable goals, objectives, and policies associated with the Property's Future Land Use Map designation of Metropolitan Activity Center (MET-AC).

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:

SECTION 1. ZONING. After due notice and public hearing, and pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City Code, the zoning designation for the Property is hereby changed from Activity Center with the International Drive Special Plan Overlay (AC-3/SP) to Planned Development district with the International Drive Special Plan Overlay (PD/SP) on the City's official zoning maps (to be denoted as "PD/SP" on the official maps of the City), as depicted in **Exhibit "B"** to this ordinance. This planned development zoning district may be known as the "I Square Mall PD."

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the I Square Mall PD/SP zoning district remains subject to all applicable federal, state, and local laws, and nothing in this ordinance shall be construed to exempt the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

SECTION 3. DEFAULT ZONING DISTRICT. Except as expressly provided otherwise by this ordinance, the Property shall be governed by the land development regulations of the Activity Center with the International Drive Special Plan Overlay (denoted as "AC-3/SP" on the official maps of the City).

SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS. The Planned Development zoning district for the Property is subject to the following special land development regulations:

1) Land Development

1. Impervious Surface Ratio (ISR) - ISR is limited to 90% (0.90).

2. Floor Area Ratio (FAR) - Maximum FAR shall not exceed 4.0 (with a full 1.0 bonus), per the corresponding Metropolitan Activity Center (MET-AC) future land use designation, site plans, building elevations and conditions in this ordinance.

3. Approved Site Plan - The Planned Development is valid for the attached development plan (**Exhibit "C"**), and is not transferable to another property.

4. Planned Development Expiration - Upon approval of the Planned Development (PD) by City Council, a building permit shall be obtained for the work within five (5) years of approval of said PD, or the PD shall expire and the property shall revert to the previous AC-3/SP zoning. If a building permit expires before a certificate of occupancy (CO) or certificate of completion (CC) is issued, then the PD shall no longer be valid and the applicant must apply for a new master plan or PD. No PD extensions shall be granted.

5. Parking - Parking for the proposed hotel, mall and corresponding uses shall be a minimum 1,500 spaces (based on proposed uses within the project).

6. Signs - Maximum sign area shall not exceed 1,620 sq. ft., based on building frontages along S. Kirkman Rd., International Dr. and Grand National Dr. High-rise signs

are allowed (not to exceed 800 sq. ft., at maximum 400 sq. ft. per building side, quantity of two (2) high-rise signs, which must glow white at night. Digital signs are prohibited for this site. All signs must receive permits prior to fabrication and installation.

7. A Sign Master Plan via Planning Official Determination shall be provided prior to erection of any signs on the property.

8. Phasing - The project is planned to be developed in one phase, but if developed in multiple phases, each phase shall function independent of previous or subsequent phases. A change in phasing would require an administrative master plan.

9. State/Federal Permits - All applicable state or federal permits must be obtained before commencing construction.

10. Building Height - A building height of 400 ft. is proposed (to top of antenna). Per LDC Section 62.496, any structure over 200 ft. in height shall receive Federal Aviation Authority or Greater Orlando Aviation Authority approval.

11. Rooftop Vertiport - The rooftop vertiport shall allow occasional visits by hotel guests. The vertiport shall not be used for any type of customer-based sightseeing operation in conjunction with the hotel or any of the retail tenant uses. A certificate of occupancy for said vertiport cannot be issued until the vertiport is 1) constructed per the plans and specifications provided at time of building permit issuance; 2) the applicant has provided adequate insurance for said operation (per Section 8.28, Code of Ordinances); and c) the annual permit fee has been paid (per Section 8.28, Code of Ordinances).

12. Intensity Bonus - A 1.0 FAR intensity bonus has been requested and shall be approved, per the intensity bonus criteria of LDC Chapter 58 Part 6B (total proposed FAR of 4.0).

13. Final Site Plan - Prior to permit submittal, a Determination of Final Site Plan shall be submitted to demonstrate compliance with all required conditions of this staff report.

2) Urban Design

1. Appearance Review - An Appearance Review shall be required at time of permitting. All Urban Design conditions of approval, including a detailed hardscape and landscape plan, shall be addressed in the revised drawings prior to appearance review.

2. Architecture

a. The buildings shall be as shown on the attached Exhibit "C". The top of the building shall have a prominent architectural character, such as a horizontal banding or cap.

b. Primary pedestrian entries shall be clearly expressed and highlighted, and recessed or framed by a sheltering element such as an awning, arcade, porch or portico.

c. Ground floor glass shall be clear on all facades (minimum of 80% light

transmittance). All other glass shall meet a minimum 60% light transmittance. Mirrored or reflective glass shall be prohibited.

d. Pedestrian Bridge. The City anticipates further development in the International Drive corridor of the size and caliber of the I-Square Mall PD. These intense, urban projects require better pedestrian connections in the future that could be a public improvement, connecting the four (4) corners of International Dr. at S. Kirkman Rd. Therefore, as the project moves further in design, the corner plaza shall accommodate potential pedestrian bridges across International Dr. and S. Kirkman Rd. to the other corners.

e. Parking Garage. The skin treatment of the parking garage is subject to appearance review. The garage shall be architecturally integrated into the principal structure on the site. Lighting within the garage shall be consistent with Chapter 63, Part 2M, of City Code. A 3-ft. high opaque wall shall be incorporated into the design so that headlights are not visible from the exterior of the building from parked cars within the garage. There shall be a minimum 10-ft. landscape buffer against the garage with a minimum 7.5-ft. landscaped buffer on the south side of the southern vehicular driveway per code standards. Where limited due to curb cuts for the parking garage, landscaping shall be enhanced along the southern buffer of the property line. A minimum 5-ft. path shall be integrated into the design for exiting purposes, from the ground floor stairwells to the nearest street, where needed, and accommodated in the final design.

3. Lighting

a. All utilities, including street light poles, shall be kept out of the pedestrian path.

b. A signed and sealed lighting plan consistent with the City's Lighting Code (Chapter 63, Part 2M, City Code) or a Photometric Plan subject to approval by the Planning Official shall be submitted with permitting drawings.

c. Light-emitting diode (LED) lamps are encouraged.

4. Dumpsters - All dumpsters and trash compactors shall be screened with solid walls to match the principal structure. Decorative gates shall be installed to coordinate with principal structure. Landscape screen including low hedge and groundcover required to soften the view from the public ROW.

5. Loading Zones - Loading areas shall be adequately screened with walls and landscaping.

6. Site Improvements

a. Fencing - Any fencing along public rights-of-way shall be open, CPTED-approved fence, such as aluminum or wrought-iron picket fencing.

b. Sidewalk Connections - A complete pedestrian circulation plan shall be provided that links all parcels with continuous pathways. A minimum 5-foot wide pedestrian pathway shall connect from the principal building entrances and exits to the sidewalks.

c. Stamped concrete, pavers, or an alternative material treatment with a smooth surface for all pedestrian crosswalks shall be provided. Crosswalks shall align with sidewalks along street frontages. Crosswalks shall have a continuous smooth grade across driveways, emphasizing the pedestrian zone over the vehicular zone.

7. Landscaping

a. All requirements of the City of Orlando and the International Drive Special Plan shall be met.

b. Street tree planting shall be completed along all roadway frontages abutting the site. The street trees shall be installed in accordance with City Code. In locations where installation of street trees within the street right-of-way or a City services easement is infeasible, the trees shall be installed on the site within 10 feet of the right-of-way. Trees shall be selected and placed to enhance the pedestrian experience along all street frontages, and from street sidewalks to the front entrance of the Hotel.

c. Trees selected for installation at tall heights (20' to 40') shall be installed between the building and all property lines. Examples of such trees and palms are Italian cypress, cabbage palm, and date palms. Tall-growing, clumping varieties of bamboo may also be used.

d. Landscape areas shall be provided at the base of the eastern façade in the "back of house" portion; adequate pedestrian pathways shall be provided, where possible.

8. Streetscape - A minimum 12-ft. wide sidewalk (10-ft. pedestrian through, and 2-ft. shy zone) shall be provided on the International Dr. and S. Kirkman Rd. sides of the project, with a minimum 7.5-ft. landscape park strip or furniture zone. The Grand National Dr. street side shall have a minimum 7.5-ft landscape park strip or furniture zone with a minimum 8-ft. sidewalk (6-ft. pedestrian through-zone and a 2-ft. shy zone). Further refinements to the streetscape treatments are subject to appearance review by the Planning Official in the future. The streetscape treatment shall be themed as lushly tropical, similar to the Convention Plaza District to the south on International Dr. in Orange County. As currently conceived, the project may include fountains and further special treatments that are integrated into the design.

3) Transportation Planning/Engineering (conditions from previous MPL2014-00010, with minor modifications)

1. Access to S. Kirkman Rd. - The driveway permit for this access point shall be coordinated with FDOT, Orlando Permitting and Maintenance Office prior to submittal of engineering plans to the City.

2. Grand National/Vanguard Intersection - The applicant shall coordinate the final configuration of this intersection with the City Traffic Engineer and include written documentation of that decision with the Engineering plans submittal.

If a signal warrant is approved for this intersection, the City will require an escrow for the complete cost of a traffic signal and the required fiber optic cable to interconnect to the City's fiber optic signal network. The escrow amount is estimated to be \$456,000,

which includes the current estimated cost for a signal at \$450,000 plus the cost of the fiber optic cable estimated to be \$6,000 (to be recalculated at time of permitting). For the future signal, conduit and pull boxes shall be installed for the fiber optic cable during construction of the I-Square project.

3. Bicycle Parking - Per LDC Sec. 61.333, 24 long-term spaces and 80 short-term spaces shall be provided. The location of lockers or bikes shall be selected for ease of access to entrances but not placed so as to create safety conflicts with pedestrians, cyclists, or motorists.

4. Right-of-Way Dedication - The applicant shall convey 20 ft of right-of-way along the eastern property line of this parcel to the City for widening of Grand National Drive. The Grand National curb line shall be constructed to the ultimate condition that will provide at least 10 feet from the back of curb to the right-of-way line.

5. Mobility Management - The proposed project is located within Mobility Area B and will generate more than 40 new daily trips. The owner/applicant shall comply with the Mobility Management Requirements of LDC Section 59.209. The owner/applicant shall submit a completed Request for Mobility Management Determination at the time of building permit application.

6. Parking Garage - Opposing traffic at the garage ticket stations shall have a physical barrier to better define lanes.

4) Transportation Impact Fees and Grand National Fair Share

1. Any new construction, change in use, addition, or redevelopment of a site or structure shall be subject to a review for Transportation Impact Fees.

2. Any exemptions or credits against the Transportation Impact Fee must be reviewed prior to permit issuance. All Transportation Impact Fee Credits shall be initiated and processed by the Transportation Impact Fee Coordinator. Credit shall be available for the previous use located on the subject site.

3. The City has established a Proportionate Fair Share Program which provides a method to mitigate the impacts of new development on transportation facilities with the cooperative efforts of the public and private sector. The Proportionate Fair Share contribution shall be due prior to the issuance of building permits related to the project, with a dollar for dollar credit towards the transportation impact fee assessment.

5) Permitting

1. Replat Required - The property shall be replatted prior to building permit issuance (a Hold Harmless Agreement and security may be provided at time of plat submittal to allow release of engineering or building permits while the plat is being reviewed and recorded).

2. Sanitary Sewer - The applicant shall conduct a sewer capacity study of the City's sanitary sewer collection system impacted by the proposed increased flow generated by the proposed use. A pre-application meeting with the Wastewater Division

is recommended prior to submitting construction plans for building permit review. The applicant shall assess proposed measures to mitigate additional flow to the sanitary sewer gravity system.

6) Orlando Police Department

1. Distributed Antenna Systems (DAS)

a. All buildings shall provide an adequate level of indoor coverage for public-safety radio service for the City of Orlando radio communications system, including but not limited to police, firefighters, and other emergency responders. A DAS system will also improve commercial cellular service for building occupants. The system will enable all first responders to communicate with dispatch and other field units. Inadequate coverage not only puts first responders at risk but also the citizens they are protecting. Adequate indoor radio coverage shall include the following standards:

i. Inbound into the building: A minimum average in-building field strength of 10 dbm above the noise floor throughout ninety-five (95%) of the area on each floor of the building when transmitted from the city's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection service to the building.

ii. Outbound from the building: A minimum average outbound field strength of 10 dbm above the noise floor throughout ninety-five percent (95%) of the area on each floor of the building when transmitted from the field units portable radio to the appropriate emergency service dispatch centers which are providing fire and emergency medical protection service to the building.

b. The City's Communications Unit with consideration of the appropriate police, fire and emergency medical department services shall determine the frequency range or ranges that must be supported. For the purpose of this section, adequate radio coverage shall constitute a successful communications test between the equipment in the building and the Communications Centers for all appropriate emergency service providers for the building.

c. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of an independent battery or generator system for a period of at least twelve hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power.

2. FCC Authorization - All amplification equipment shall be FCC Type Accepted.

3. NFPA 72-2010 Compliance - Developments shall comply with NFPA 72-2010 – National Fire alarm and Signaling Code, Public Safety In-Building Requirements, as it pertains to emergency communications systems (ECS), and their components.

SECTION 5. SCRIVENER'S ERROR. The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION 6. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 7. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2016.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of _____, 2016.

DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2016.

BY THE MAYOR/MAYOR PRO TEMPORE
OF THE CITY OF ORLANDO, FLORIDA:

Mayor / Mayor Pro Tempore

Printed Name

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

Interim City Clerk
Amy T. Iennaco

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

City Attorney

Printed Name