

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

12
13 **WHEREAS**, at its regularly scheduled meeting of October 20, 2015, the
14 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"),
15 considered zoning application case number ZON2015-00036, requesting the Planned
16 Development zoning district designation for approximately 5.64 acres of land, generally
17 located south of International Drive, east of South Kirkman Drive, and west of Grand
18 National Drive, and more precisely described by the legal description attached to this
19 ordinance as **Exhibit "A"** (hereinafter the "Property"); and
20

21 **WHEREAS**, based upon the evidence presented to the MPB, including the
22 information and analysis contained in the "Staff Report to the Municipal Planning Board"
23 for application case number ZON2015-00036 (entitled "Item #11 – I-Square Mall, Hotel
24 & Helipad Planned Development, and hereinafter referred to as the "Staff Report"), and
25 subject to certain conditions contained within the Staff Report, the MPB recommended
26 that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve
27 said zoning application and adopt an ordinance in accordance therewith; and
28

29 **WHEREAS**, the applicant in zoning application case number ZON2015-00036
30 requested the Planned Development (PD) zoning district designation for the purpose of
31 permitting a 23-story (400 foot tall) hotel, 434,831 square feet of vertical mall retail, 7
32 stories of internal parking, a rooftop observation deck, and a vertiport, hereinafter the
33 "Project"; and
34

35 **WHEREAS**, the MPB found that the Project is consistent with the City's adopted
36 Growth Management Plan (the "GMP") including the applicable goals, objectives, and
37 policies associated with the Property's existing Future Land Use Map designation of
38 Metropolitan Activity Center (MET-AC); and
39

40 **WHEREAS**, the Orlando City Council hereby finds that the Project is consistent
41 with the intent and purpose of the planned development district zoning designation as
42 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the "Orlando
43 City Code"); and
44

45 **WHEREAS**, the Orlando City Council hereby finds that the Project and this
46 ordinance is in the best interest of the public health, safety, and welfare, and is
47 consistent with the applicable provisions of the City's GMP, including the applicable
48 goals, objectives, and policies associated with the Property's Future Land Use Map
49 designation of Metropolitan Activity Center (MET-AC).
50

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

53
54 **SECTION 1. ZONING.** After due notice and public hearing, and pursuant to part
55 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City
56 Code, the zoning designation for the Property is hereby changed from Activity Center
57 with the International Drive Special Plan Overlay (AC-3/SP) to Planned Development
58 district with the International Drive Special Plan Overlay (PD/SP) on the City's official
59 zoning maps (to be denoted as "PD/SP" on the official maps of the City), as depicted in
60 **Exhibit "B"** to this ordinance. This planned development zoning district may be known
61 as the "I Square Mall PD."

62
63 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
64 58.367, Orlando City Code, except as expressly provided in this ordinance, the I Square
65 Mall PD/SP zoning district remains subject to all applicable federal, state, and local laws,
66 and nothing in this ordinance shall be construed to exempt the Property from the lawful
67 authority or jurisdiction of any federal, state, or local agency.

68
69 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
70 otherwise by this ordinance, the Property shall be governed by the land development
71 regulations of the Activity Center with the International Drive Special Plan Overlay
72 (denoted as "AC-3/SP" on the official maps of the City).

73
74 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
75 Development zoning district for the Property is subject to the following special land
76 development regulations:

77
78 **1) Land Development**

79
80 **1. Impervious Surface Ratio (ISR)** - ISR is limited to 90% (0.90).

81
82 **2. Floor Area Ratio (FAR)** - Maximum FAR shall not exceed 4.0 (with a full 1.0
83 bonus), per the corresponding Metropolitan Activity Center (MET-AC) future land use
84 designation, site plans, building elevations and conditions in this ordinance.

85
86 **3. Approved Site Plan** - The Planned Development is valid for the attached
87 development plan (**Exhibit "C"**), and is not transferable to another property.

88
89 **4. Planned Development Expiration** - Upon approval of the Planned
90 Development (PD) by City Council, a building permit shall be obtained for the work within
91 five (5) years of approval of said PD, or the PD shall expire and the property shall revert
92 to the previous AC-3/SP zoning. If a building permit expires before a certificate of
93 occupancy (CO) or certificate of completion (CC) is issued, then the PD shall no longer be
94 valid and the applicant must apply for a new master plan or PD. No PD extensions shall
95 be granted.

96
97 **5. Parking** - Parking for the proposed hotel, mall and corresponding uses shall
98 be a minimum 1,500 spaces.

99
100 **6. Signs** - Maximum sign area shall not exceed 1,620 sq. ft., based on building
101 frontages along S. Kirkman Rd., International Dr. and Grand National Dr. High-rise signs

102 are allowed (not to exceed 800 sq. ft., at maximum 400 sq. ft. per building side, quantity
103 of two (2) high-rise signs, which must glow white at night. Digital signs are prohibited for
104 this site. All signs must receive permits prior to fabrication and installation.
105

106 **7. A Sign Master Plan** via Planning Official Determination shall be provided prior
107 to erection of any signs on the property.
108

109 **8. Phasing** - The project is planned to be developed in one phase, but if
110 developed in multiple phases, each phase shall function independent of previous or
111 subsequent phases. A change in phasing would require an administrative master plan.
112

113 **9. State/Federal Permits** - All applicable state or federal permits must be
114 obtained before commencing construction.
115

116 **10. Building Height** - A building height of 400 ft. is proposed (to top of antenna).
117 Per LDC Section 62.496, any structure over 200 ft. in height shall receive Federal Aviation
118 Authority and Greater Orlando Aviation Authority approvals.
119

120 **11. Rooftop Vertiport** - The rooftop vertiport shall allow occasional visits by hotel
121 guests. The vertiport shall not be used for any type of customer-based sightseeing
122 operation in conjunction with the hotel or any of the retail tenant uses. A certificate of
123 occupancy for said vertiport cannot be issued until the vertiport is 1) constructed per the
124 plans and specifications provided at time of building permit issuance; 2) the applicant has
125 provided adequate insurance for said operation (per Section 8.28, Code of Ordinances);
126 and c) the annual permit fee has been paid (per Section 8.28, Code of Ordinances).
127

128 **12. Intensity Bonus** - A 1.0 FAR intensity bonus has been requested and shall be
129 approved, per the intensity bonus criteria of LDC Chapter 58 Part 6B (total proposed FAR
130 of 4.0).
131

132 **13. Final Site Plan** - Prior to permit submittal, a Determination of Final Site Plan
133 shall be submitted to demonstrate compliance with all required conditions of this staff
134 report.
135

136 **2) Urban Design**

137
138 **1. Appearance Review** - An Appearance Review shall be required at time of
139 permitting. All Urban Design conditions of approval, including a detailed hardscape and
140 landscape plan, shall be addressed in the revised drawings prior to appearance review.
141

142 **2. Architecture**

143
144 a. The base, middle, and top shall be expressed, with materials finished and
145 wrapped on all facades. The top of the building shall have a prominent architectural
146 character, such as a horizontal banding or cap.
147

148 b. Primary pedestrian entries shall be clearly expressed and highlighted,
149 and recessed or framed by a sheltering element such as an awning, arcade, porch or
150 portico.
151

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

153 transmittance). All other glass shall meet a mini-mum 66% transmittance. Tinted or
154 reflective glass shall be prohibited.

155
156 d. Pedestrian Bridge. The City anticipates further development in the
157 International Drive corridor of the size and caliber of the I-Square Mall PD. These intense,
158 urban projects require better pedestrian connections in the future that could be a public
159 improvement, connecting the four (4) corners of International Dr. at S. Kirk-
160 man Rd. Therefore, as the project moves further in design, the corner plaza shall
161 accommodate potential pedestrian bridges across International Dr. and S. Kirkman Rd. to
162 the other corners.

163
164 e. Parking Garage. The skin treatment of the parking garage is subject to
165 appearance review. The garage shall be architecturally integrated into the principal
166 structure on the site. Lighting within the garage shall be fully shielded so that it does not
167 appear from outside the structure. A 3-ft. high opaque wall shall be incorporated into the
168 design so that headlights are not visible from the exterior of the building from parked cars
169 within the garage. There shall be a minimum 10-ft. landscape buffer against the garage
170 with a minimum 7.5-ft. landscaped buffer on the south side of the southern vehicular
171 driveway per code standards. Where limited due to curb cuts for the parking garage,
172 landscaping shall be enhanced along the southern buffer of the property line. A minimum
173 5-ft. path shall be integrated into the design for exiting purposes, from the ground floor
174 stairwells to the nearest street, where needed, and accommodated in the final design.

175
176 **3. Lighting**

177
178 a. All utilities, including street light poles, shall be kept out of the pedestrian
179 path.

180
181 b. A signed and sealed lighting plan consistent with Orange County's lighting
182 ordinance (Ord. No.2003-08, §1,6-3-03) or a Photometric Plan subject to approval by the
183 Planning Official shall be submitted with permitting drawings.

184
185 c. Light-emitting diode (LED) lamps are encouraged.

186
187 **4. Dumpsters** - All dumpsters and trash compactors shall be screened with
188 solid walls to match the principal structure. Decorative gates shall be installed to
189 coordinate with principal structure. Landscape screen including low hedge and
190 groundcover required to soften the view from the public ROW.

191
192 **5. Loading Zones** - Loading areas shall be adequately screened with walls and
193 landscaping.

194
195 **6. Site Improvements**

196
197 a. Fencing - Any fencing along public rights-of-way shall be open, CPTED-
198 approved fence, such as aluminum or wrought-iron picket fencing.

199
200 b. Sidewalk Connections - A complete pedestrian circulation plan shall be
201 provided that links all parcels with continuous pathways. A minimum 5-foot wide
202 pedestrian pathway shall connect from the principal building entrances and exits to the
203 sidewalks.

204
205 c. Stamped concrete, pavers, or an alternative material treatment with a
206 smooth surface for all pedestrian crosswalks shall be provided. Crosswalks shall align
207 with sidewalks along street frontages. Crosswalks shall have a continuous smooth grade
208 across driveways, emphasizing the pedestrian zone over the vehicular zone.

209
210 **7. Landscaping**

211
212 a. All requirements of the City of Orlando and the International Drive Special
213 Plan shall be met.

214
215 b. Street tree planting shall be completed along all roadway frontages abutting
216 the site. The street trees shall be installed in accordance with City Code. In locations
217 where installation of street trees within the street right-of-way or a City services easement
218 is infeasible, the trees shall be installed on the site within 10 feet of the right-of-way. Trees
219 shall be selected and placed to enhance the pedestrian experience along all street
220 frontages, and from street sidewalks to the front entrance of the Hotel.

221
222 c. Trees selected for installation at tall heights (20' to 40') shall be installed
223 between the building and all property lines. Examples of such trees and palms are Italian
224 cypress, cabbage palm, and date palms. Tall-growing, clumping varieties of bamboo may
225 also be used.

226
227 d. The parking garage shall be landscaped per Chapter 61 of the Orlando City
228 Code. Green screens with climbing vines are preferred. Such landscaping shall be
229 designed so as to deemphasize long stretches of facade.

230
231 **8. Streetscape** - A minimum 12-ft. wide sidewalk (10-ft. pedestrian through, and
232 2-ft. shy zone) shall be provided on the International Dr. and S. Kirkman Rd. sides of the
233 project, with a minimum 7.5-ft. landscape park strip or furniture zone. The Grand
234 National Dr. street side shall have a minimum 7.5-ft landscape park strip or furniture
235 zone with a minimum 8-ft. sidewalk (6-ft. pedestrian through-zone and a 2-ft. shy
236 zone). Further refinements to the streetscape treatments are subject to appearance
237 review by the Planning Official in the future. The streetscape treatment shall be themed
238 as lushly tropical, similar to the Convention Plaza District to the south on International
239 Dr. in Orange County. As currently conceived, the project may include fountains and
240 further special treatments that are integrated into the design.

241
242 **3) Transportation Planning/Engineering** (conditions from previous MPL2014-00010,
243 with minor modifications)

244
245 **1. Access to S. Kirkman Rd.** - FDOT is likely to restrict the proposed right
246 in/right out driveway onto S. Kirkman Rd. to right-in only. The driveway permit for this
247 access point shall be coordinated with FDOT, Orlando Permitting and Maintenance
248 Office prior to submittal of engineering plans to the City.

249
250 **2. Grand National/Vanguard Intersection** - Left turn and east-west through
251 movements at the proposed intersection of Grand National Dr., the project driveway, and
252 Vanguard St. may be restricted or eliminated entirely by the City's Transportation
253 Engineering Division. The applicant shall coordinate the final configuration of this
254 intersection with the City Traffic Engineer and include written documentation of that

255 decision with the Engineering plans submittal.
256

257 If a signal warrant is approved for this intersection, the City will require an escrow
258 for the complete cost of a traffic signal and the required fiber optic cable to interconnect
259 to the City's fiber optic signal network. The escrow amount shall be \$456,000, which
260 includes the current estimated cost for a signal at \$450,000 plus the cost of the fiber
261 optic cable estimated to be \$6,000. For the future signal, conduit and pull boxes shall be
262 installed for the fiber optic cable during construction of the I-Square project.
263

264 **3. Bicycle Parking** - Per LDC Sec. 61.333, 24 long-term spaces and 80 short-
265 term spaces shall be provided. The location of lockers or bikes shall be selected for
266 ease of access to entrances but not placed so as to create safety conflicts with
267 pedestrians, cyclists, or motorists.
268

269 **4. Right-of-Way Dedication** - The applicant shall convey 20 ft of right-of-way
270 along the eastern property line of this parcel to the City for widening of Grand National
271 Drive. The Grand National curb line shall be constructed to the ultimate condition that
272 will provide at least 10 feet from the back of curb to the right-of-way line.
273

274 **5. Mobility Management** - The proposed project is located within Mobility Area
275 B and will generate more than 40 new daily trips. The owner/applicant shall comply with
276 the Mobility Management Requirements of LDC Section 59.209. The owner/applicant
277 shall submit a completed Request for Mobility Management Determination at the time of
278 building permit application.
279

280 **6. Parking Garage** - Opposing traffic at the garage ticket stations shall have a
281 physical barrier to better define lanes.
282

283 **4) Transportation Impact Fees and Grand National Fair Share**

284

285 **1.** Any new construction, change in use, addition, or redevelopment of a site or
286 structure shall be subject to a review for Transportation Impact Fees.
287

288 **2.** Any exemptions or credits against the Transportation Impact Fee must be
289 reviewed prior to permit issuance. All Transportation Impact Fee Credits shall be initiated
290 and processed by the Transportation Impact Fee Coordinator. Credit shall be available
291 for the previous use located on the subject site.
292

293 **3.** The City has established a Proportionate Fair Share Program which provides
294 a method to mitigate the impacts of new development on transportation facilities with the
295 cooperative efforts of the public and private sector. The Proportionate Fair Share
296 contribution shall be due prior to the issuance of building permits related to the project,
297 with a dollar for dollar credit towards the transportation impact fee assessment.
298

299 **5) Permitting**

300

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

305
306 **2. Sanitary Sewer** - The applicant shall conduct a sewer capacity study of the
307 City's sanitary sewer collection system impacted by the proposed increased flow
308 generated by the proposed use. A pre-application meeting with the Wastewater Division
309 is recommended prior to submitting construction plans for building permit review. The
310 applicant shall assess proposed measures to mitigate additional flow to the sanitary
311 sewer gravity system.

312
313 **6) Orlando Police Department**

314
315 **1. Distributed Antenna Systems (DAS)**

316
317 a. All buildings shall provide an adequate level of indoor coverage for
318 public-safety radio service for the City of Orlando radio communications system,
319 including but not limited to police, firefighters, and other emergency responders. A DAS
320 system will also improve commercial cellular service for building occupants. The system
321 will enable all first responders to communicate with dispatch and other field units.
322 Inadequate coverage not only puts first responders at risk but also the citizens they are
323 protecting. Adequate indoor radio coverage shall include the following standards:

324
325 i. Inbound into the building: A minimum average in-building field strength
326 of 10 dbm above the noise floor throughout ninety-five (95%) of the area on each floor of
327 the building when transmitted from the city's police dispatch center and the appropriate
328 emergency service dispatch centers which are providing fire and emergency medical
329 protection service to the building.

330
331 ii. Outbound from the building: A minimum average outbound field
332 strength of 10 dbm above the noise floor throughout ninety-five percent (95%) of the area
333 on each floor of the building when transmitted from the field units portable radio to the
334 appropriate emergency service dispatch centers which are providing fire and emergency
335 medical protection service to the building.

336
337 b. The City's Communications Unit with consideration of the appropriate
338 police, fire and emergency medical department services shall determine the frequency
339 range or ranges that must be supported. For the purpose of this section, adequate radio
340 coverage shall constitute a successful communications test between the equipment in
341 the building and the Communications Centers for all appropriate emergency service
342 providers for the building.

343
344 c. If any part of the installed system or systems contains an electrically
345 powered component, the system shall be capable of an independent battery or
346 generator system for a period of at least twelve hours without external power input or
347 maintenance. The battery system shall automatically charge in the presence of external
348 power.

349
350 **2. FCC Authorization** - All amplification equipment shall be FCC Type
351 Accepted.

352
353 **3. NFPA 72-2010 Compliance** - Developments shall comply with NFPA 72-
354 2010 – National Fire alarm and Signaling Code, Public Safety In-Building Requirements,
355 as it pertains to emergency communications systems (ECS), and their components.

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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