

BUSINESS

Orlando Fashion Square's 'despicable' condition sparks legal fight as developers want to raze it

By AUSTIN FULLER

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The Orlando Fashion Square Mall, on Tuesday, July 27, 2021. (Ricardo Ramirez Buxeda/ Orlando Sentinel) (Ricardo Ramirez Buxeda/Orlando Sentinel)

A developer who owns the land under Orlando Fashion Square mall and wants to tear it down has called the mall's condition "despicable" as a legal fight has started over the state of the building.

Chuck Whittall and Daryl Carter bought the land a few miles east of downtown Orlando in 2019 with hopes to replace the mall with a new open-air center, but have yet to acquire the building and begin their project.

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In May, a lawyer representing Whittall's company Unicorp sent the company that leases the ground for the mall, TBB Orlando, LLC, two notice of default letters involving issues with the building. TBB Orlando filed a lawsuit July 9 seeking a decision that the company is not in default and asking that Unicorp be barred from terminating the lease because of alleged defaults cited in the letters.

"They're trying to buy time," Whittall told the Orlando Sentinel. "The mall is in despicable shape."

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The exterior of Orlando Fashion Square Mall, on Tuesday, July 27, 2021. The condition of the mall has led to a legal fight. (Ricardo Ramirez Buxeda/ Orlando Sentinel) (Ricardo Ramirez Buxeda/Orlando Sentinel)

One of the letters from Unicorp included in the lawsuit documents noted several issues with the property, including failure to make repairs to the roof and “failure to rebuild and maintain in good condition” part of the building facing Colonial Drive that had been torn down.

Other issues in Unicorp’s letter included failure to do sufficient landscaping to “eliminate all blight and overgrown conditions” and failure to make repairs so that parking areas are in “good and safe condition.”

Another of the letters noted city code enforcement violations on the building. City records show those violations are related to the partially demolished part of the mall.

The lawsuit states TBB Orlando started work on the partially demolished part of the mall in July after receiving assurances from the city its plan would resolve the code enforcement issues.

TBB Orlando “is in the process of resolving the issues raised by the Default Letter and the Second Default Letter, specifically that it is working with the City to undertake steps to resolve the issues raised by the Code Enforcement Notice,” the lawsuit states.

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Whittall said he remains interested in purchasing the mall building, but so far has been met with an “unrealistic expectation of what it’s worth.”



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“We’ll buy it at a reasonable price,” Whittall said.

Some of Whittall’s other Orlando area projects include the Icon Park entertainment complex on International Drive and the O-Town West development near Walt Disney World that is home to the [**first White Castle in Florida since the 1960s.**](#)

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Plans on Unicorp’s website for Fashion Square call for a “multi-level experiential outdoor shopping and dining entertainment center” along with apartments and a hotel.



A storefront in the Orlando Fashion Square Mall, on Tuesday, July 27, 2021. (Ricardo Ramirez Buxeda/ Orlando Sentinel)
(Ricardo Ramirez Buxeda/Orlando Sentinel)

Fashion Square, which opened in 1973, already had its Sears store torn down and replaced with a Floor & Decor and another retail space. The **JCPenney at the mall closed last year.**

The mall is still home to a Macy's, a Dillard's Clearance Center and a movie theater.

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