

K-8 SCHOOL EE

Issue: Vertical accessibility to all rows of seats in an auditorium and teaching theater.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in an auditorium with a seating capacity of 500. The floors are sloped 1:12 and eight wheelchair accessible seating locations have been provided. These locations are located on the front and back rows of the auditorium and appropriate companion seats are available; however, the front row locations are on the ends of the rows. The teaching auditorium has 134 seats with four wheelchair locations on the first row. Five seats are required by code. Project cost is estimated to be \$6,800,000; however, cost to provide vertical accessibility is not the issue, but rather technical infeasibility.

Project Progress:

The project is under construction.

Items to be Waived:

Vertical accessibility to all rows of seats, as required by Section 553.509, Florida Statutes.

553.509 Vertical accessibility. Nothing in Sections 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level regardless of whether the guidelines require an elevator to be installed in such building, structure or facility, except for:

- (1) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks and automobile lubrication and maintenance pits and platforms;
- (2) Unoccupiable spaces, such as rooms, enclosed spaces and storage spaces that are not designed for human occupancy, for public accommodations or for work areas; and
- (3) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to equipment control rooms and projection booths.

Waiver Criteria: There is no specific guidance for a waiver of this requirement in the code. The Commission's current rule, authorized in Section 553.512, Florida Statutes, provides criteria for granting waivers and allows consideration of unnecessary or extreme hardship to the applicant if the specific requirements were imposed.

**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS
OF CHAPTER 553, PART V, FLORIDA STATUTES**

Your application will be reviewed by the Accessibility Advisory Council and its recommendations will be presented to the Florida Building Commission. You will have the opportunity to answer questions and/or make a short presentation, not to exceed 15 minutes, at each meeting. The Commission will consider all information presented and the Council's recommendation before voting on the waiver request.

1. Name and address of project for which the waiver is requested.

Name: K-8 School 'EE'

Address: 4751 Hwy. 547 N., Davenport, Florida

2. Name of Applicant. If other than the owner, please indicate relationship of applicant to owner and written authorization by owner in space provided:

Applicant's Name: Polk County School Board.

Applicant's Address: 1915 S. Floral Avenue, Bartow, Florida 33830

Applicant's Telephone: (863) 534-0611 **FAX:** (863) 534-0833

Applicant's E-mail Address: richard.alderman@polk-fl.net


Relationship to Owner:

Owner's Name: Polk County School Board

Owner's Address: 1915 S. Floral Avenue, Bartow, Florida 33830

Owner's Telephone: (863) 534-0611 **FAX:** (863) 534-0833

Owner's E-mail Address: richard.alderman@polk-fl.net

Signature of Owner: 

Contact Person: Richard Alderman, Director of Architectural Services

Contact Person's Telephone:

Mail Address: richard.alderman@polk-fl.net

This application is available in alternate formats upon request.

Form No. 2001-01

3. Please check one of the following:

New construction.

Addition to a building or facility.

Alteration to an existing building or facility.

Historical preservation (addition).

Historical preservation (alteration).

4. Type of facility. Please describe the building (square footage, number of floors). Define the use of the building (i.e., restaurant, office, retail, recreation, hotel/motel, etc.)

New building with an auditorium and stage, teaching theater and stage, theater classroom and stage, CCTV studio and classroom, dance studios, and locker rooms, with a total floor area of 44,914 square feet.

The new Auditorium with a seating capacity of 500 provides 8% (1:12) sloped fixed seating area for viewing stage productions with a total of 8 clustered designated accessible seating areas in the front and rear rows of the auditorium.

The Teaching Theater with a seating capacity of 134 provides tiered fixed seating for viewing "black box" theater stage productions with 4 designated accessible seating areas in the front row.

5. Project Construction Cost: (Provide cost for new construction, the addition or the alteration):

Cost of construction is estimated at \$6,800,000

6. Project Status: Please check the phase of construction that best describes your project at the time of this application. Describe status.

Under Design Under Construction*

In Plan Review Completed*

- Briefly explain why the request has now been referred to the Commission.

The Department of Education requires that "All levels of the seating in Auditorium 02-107 and Teaching Theater 02-126 shall be accessible unless a waiver is obtained from the Florida Building Commission." When the DOE plan review comment was received we responded to the comment by stating our belief that the design meets the requirements of Section 11-4.33.3

of the Florida Building Code, and the exception found therein. During the ensuing DOE resubmittal review period the owner wished to begin construction on the project to finish the project in time to open for the beginning of school in August of 2010, which is allowed since the owner acts as the Authority Having Jurisdiction. The latest Department of Education plan review comments still maintain that "All levels of the seating in Auditorium 02-107 and Teaching Theater 02-126 shall be accessible unless a waiver is obtained from the Florida Building Commission.", and currently the foundations are being poured. Therefore a waiver from sub-section 553.509 of the Florida Statutes is being requested.

7. **Requirements requested to be waived.** Please reference the applicable section of Florida law. Only Florida-specific accessibility requirements may be waived.

Issue: Florida Building Code, Chapter 11, Section 11-4.1.3 Accessible buildings: new construction, and specifically reference therein to:

Sub-Section 553.509 F.S. Vertical Accessibility:

- (1) *Nothing in ss. 553.501-553.513 of the guidelines shall be construed to relieve the owner of any building, structure, or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the guidelines require an elevator to be installed in such building, or facility, except for:*
 - (a) *Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks, and automobile lubrication and maintenance pits and platforms;*
 - (b) *Unoccupiable spaces, such as rooms, enclosed spaces, and storage spaces that are not designed for human occupancy, for public accommodations, or for work areas; and*
 - (c) *Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to, equipment control rooms and projection booths.*

8. **Reason(s) for Waiver Request:** The Florida Building Commission may grant waivers of Florida-specific accessibility requirements upon a determination of unnecessary, unreasonable or extreme hardship. Please describe how this project meets the following hardship criteria. Explain all that would apply for consideration of granting the waiver.

While we do recognize that not all areas of the Auditorium (02-107) have wheelchair accessible seating locations, we believe that we have met the requirements of ss. 553.509 F.S. to "provide vertical accessibility to all levels above and below the occupiable grade level" by providing an overall floor slope of less than 1:12, and ramped side and center aisles that do not exceed 1:12 in the Auditorium (02-107) for persons confined to wheelchairs. In addition, we recognize that all levels of the seating for the Teaching Theater (02-126) are not accessible to persons confined to wheelchairs, but in both situations we have endeavored to meet the requirements of Chapter 11 of the Florida Building Code, and we believe we have accomplished that goal for both the Auditorium and the Teaching Theater, while balancing accessibility and site lines in the Auditorium and Teaching Theater as follows:

Auditorium (02-107):

Section 11-4.33.3 states "Wheelchair areas shall be an integral part of any fixed seating plan....."

We believe this has been accomplished.

Section 11-4.33.3 states ".....and shall be provided so as provide people with physical disabilities a choice of admission prices and lines of sight comparable to those for members of the general public."

The theater/auditorium is a small venue in comparison to large theaters or stadiums and we believe the sight lines provided in the accessible locations in this theater are comparable to the other general seating areas. In addition, it is not anticipated that there will be choices of admission prices for productions.

Section 11-4.33.3 exception states: "Accessible viewing positions may be clustered for bleachers, balconies, and other areas having sight lines that require slopes of greater than 5 percent. Equivalent accessible viewing positions may be located on levels having accessible egress."

The floor slope of a theater/auditorium should exceed the 5 percent (1:20) slope to provide appropriate lines of sight for viewing performances. The floor slope of this 500 seat auditorium exceeds the 5 percent (currently the floor slope is 1:13 = 8%); therefore, the accessible viewing positions are clustered and spread out along the front row and at the rear of the fixed seating, and are each located on accessible means of egress.

Teaching Theater (02-126):

Section 11-4.33.3 states "When the seating capacity exceeds 300, wheelchair spaces shall be provided in more than one location."

The Teaching Theater seating capacity does not exceed 300, and therefore designated wheelchair accessible spaces have been provided in one location along the front row at grade level where they maintain egressability.

Section 11-4.33.3 states "Wheelchair areas shall be an integral part of any fixed seating plan....."

We believe this has been accomplished.

Section 11-4.33.3 states ".....and shall be provided so as provide people with physical disabilities a choice of admission prices and lines of sight comparable to those for members of the general public."

The teaching theater is a very small venue in comparison to large theaters or stadiums and we believe the sight lines provided in the accessible locations in this theater are comparable to the other general seating areas. In addition, it is not anticipated that there will be choices of admission prices for productions.

Section 11-4.33.3 exception states: "Accessible viewing positions may be clustered for bleachers, balconies, and other areas having sight lines that require slopes of greater than 5 percent. Equivalent accessible viewing positions may be located on levels having accessible egress."

Due to its small size the floor slope of a teaching theater should exceed the 5 percent (1:20) slope to provide appropriate lines of sight for viewing performances. The floor slope of this very small 134 seat teaching theater exceeds the 5 percent (currently the fixed seating area floor slope is 5.077:12 = 42.3%); therefore, the accessible viewing positions are clustered and spread out along the front row of the fixed seating.

9. Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates. For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility should be provided, documented by quotations or bids from at least two vendors or contractors.

No cost estimates are provided since we believe accessible wheelchair seating has been provided in accordance with the Chapter 11 of the Florida Building Code for the Auditorium (02-107) and Teaching Theater (02-126) and maintained egressability. An alternative measure for the Teaching Theater (02-126) would be to provide telescoping bleacher seating, but there are no manufacturers of telescoping bleacher seating that would allow a wheelchair access to levels other than the ground floor and remain egressable.

10. Licensed Design Professional: Where a licensed design professional has designed the project, his or her comments **MUST** be included and certified by signature and affixing of his or her professional seal. The comments must include the reason(s) why the waiver is necessary.

A waiver is necessary because the Department of Education requires that we obtain a waiver from the Florida Building Commission, but we believe wheelchair accessible seating areas have been provided within the Auditorium and Teaching Theater as required by, or excepted by Section 11-4.33.3 of the 2004 Florida Building Code as follows:

Auditorium (02-107):

Section 11-4.33.3 states "Wheelchair areas shall be an integral part of any fixed seating plan....."

We believe this has been accomplished.

Section 11-4.33.3 states ".....and shall be provided so as provide people with physical disabilities a choice of admission prices and lines of sight comparable to those for members of the general public."

The theater/auditorium is a small venue in comparison to large theaters or stadiums and we believe the sight lines provided in the accessible locations in this theater are comparable to the other general seating areas. In addition, is not anticipated that there will be choices of admission prices for productions.

Section 11-4.33.3 exception states: "Accessible viewing positions may be clustered for bleachers, balconies, and other areas having sight lines that require slopes of greater than 5 percent. Equivalent accessible viewing positions may be located on levels having accessible egress."

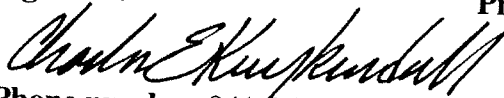
The floor slope of the 500 seat theater/auditorium exceeds the 5 percent (currently the floor slope is 1:12 = 8%) and the accessible viewing positions are clustered and spread out along the front and rear rows of the fixed seating.

Teaching Theater (02-126):

Section 11-4.33.3 states "When the seating capacity exceeds 300, wheelchair spaces shall be provided in more than one location."

The Teaching Theater seating capacity does not exceed 300, and therefore wheelchair spaces have been provided in one location along the front row at grade level.

Signature



Phone number: 941-365-6056

Printed Name: Charles Kuykendall
For: BMK Architects, Inc.

(SEAL)

CERTIFICATION OF APPLICANT:

I hereby swear or affirm that the applicable documents in support of this Request for Waiver are attached for review by the Florida Building Commission and that all statements made in this application are to the best of my knowledge true and correct.

Dated this 14th day of December, 2009

Charles E. Kuykendall
Signature

Charles Kuykendall, Senior Vice President/Principal
Printed Name

By signing this application, the applicant represents that the information in it is true, accurate and complete. If the applicant misrepresents or omits any material information, the Commission may revoke any order and will notify the building official of the permitting jurisdiction. Providing false information to the Commission is punishable as a misdemeanor under Section 775.083, Florida Statutes.

REVIEW AND RECOMMENDATION BY LOCAL BUILDING DEPARTMENT.

Please state why the issue is being referred to the Florida Building Commission as well as a recommendation for disposition. The Building Official or his or her designee should review the application and indicate that to the best of his or her knowledge, all information stipulated herein is true and accurate. Further, if this project is complete, explain why it is being referred to the Commission. The Building Official or his or her designee should sign a copy of the plans accompanying this application as certification that such plans are the same as those submitted for building department review. Please reference the applicable section of the Accessibility Code.

a. The Department of Education review comment requiring that "All levels of the seating in Auditorium 02-107 and Teaching Theater 02-126 shall be accessible unless a waiver is obtained from the Florida Building Commission."

b. _____

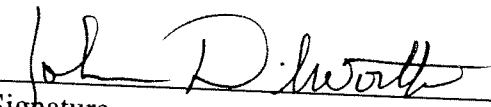
c. _____

Has there been any permitted construction activity on this building during the past three years? If so, what was the cost of construction?

[X] Yes [] No Cost of Construction \$125,000 spent thus far on this building

Comments/Recommendation Recommend Approval

Jurisdiction Building Official, Polk County School Board

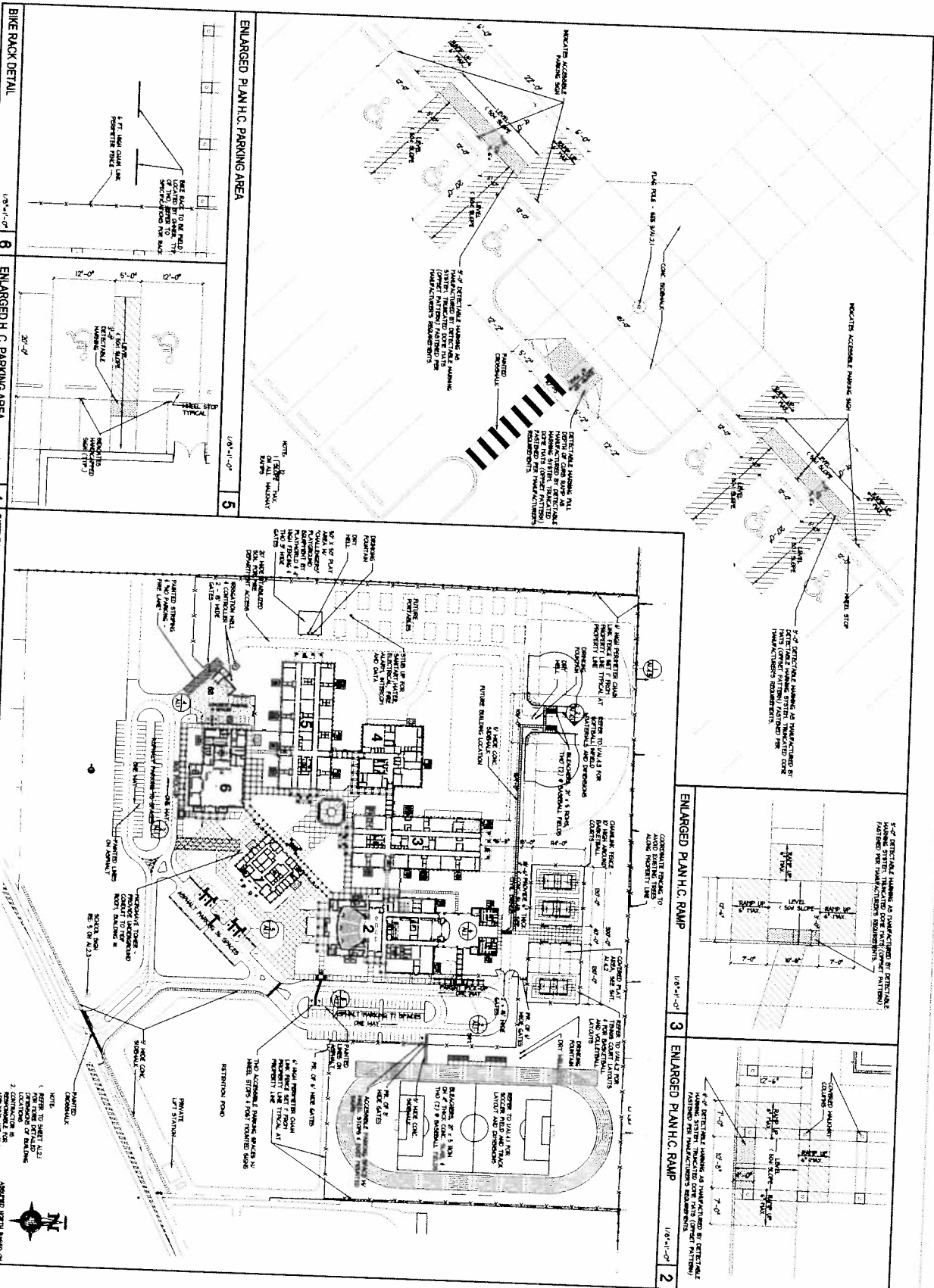
Building Official or Designee 
Signature

John Dilworth, Director of Construction Services
Printed Name

BU1134
Certification Number

(863) 370-5969
Telephone/FAX

Address: 1915 South Floral Avenue, Bartow, FL 33830



1 1/8" = 1'-0"

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7 1/8" = 1'-0"

BMK
BUILDING MATERIALS COMPANY

PROJECT NO. K-8 SCHOOL, E.E. POLK COUNTY, FLORIDA

CONTRACT NO. 20743.00

DATE 11/14/08

CONSTRUCTION DOCUMENTS

11/14/08

20743.00

PROJECT NAME: K-8 SCHOOL, E.E. POLK COUNTY, FLORIDA

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CONTRACT NO.: 20743.00

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CONSTRUCTION DOCUMENTS

11/14/08

20743.00

ARCHITECTURAL SITE PLAN

A1.1

John D. Stewart

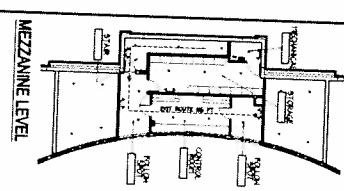
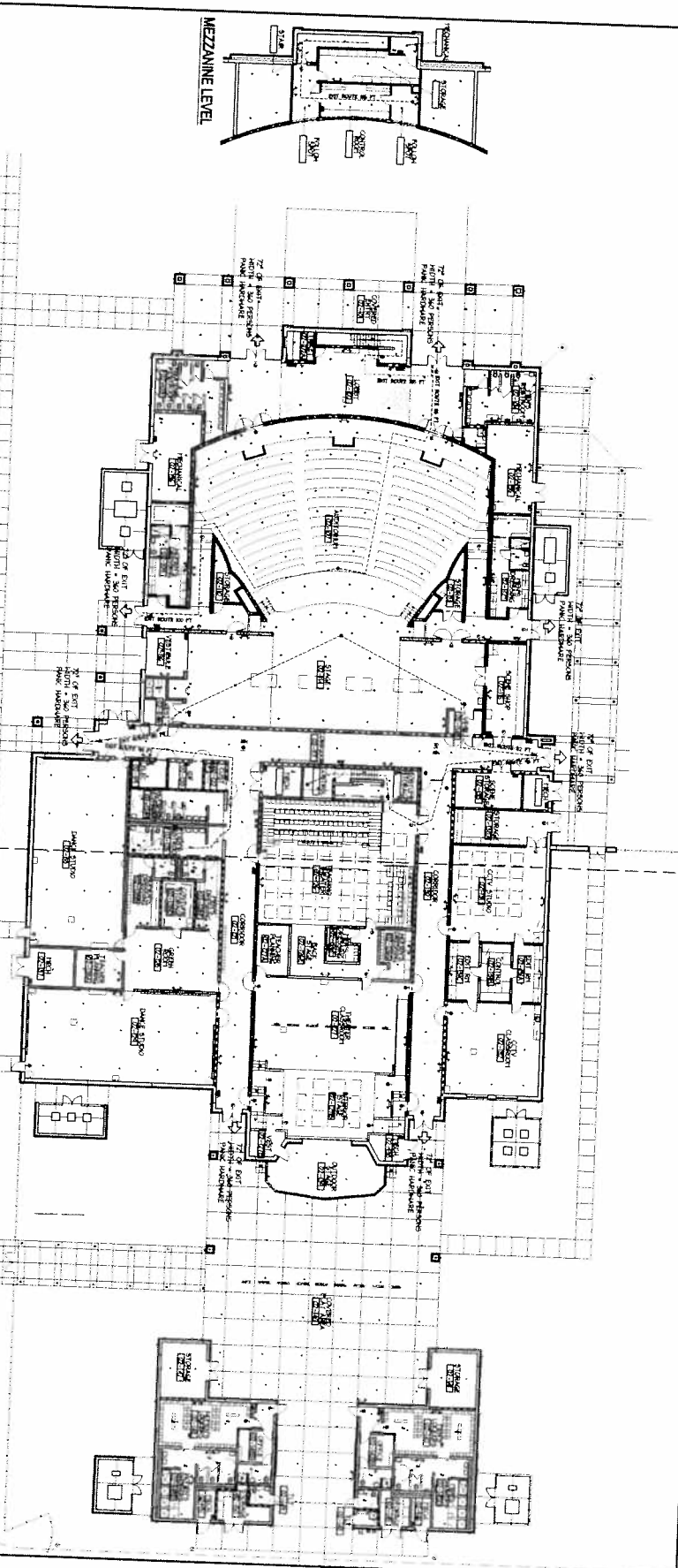
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TABLE 101	101	MECHANICAL	MECHANICAL SYSTEMS	PROVIDED	TABLE 101	101	MECHANICAL SYSTEMS	PROVIDED	TABLE 101	101	MECHANICAL SYSTEMS	PROVIDED
TABLE 102	102	ELECTRICAL	ELECTRICAL SYSTEMS	PROVIDED	TABLE 102	102	ELECTRICAL SYSTEMS	PROVIDED	TABLE 102	102	ELECTRICAL SYSTEMS	PROVIDED
TABLE 103	103	PLUMBING	PLUMBING SYSTEMS	PROVIDED	TABLE 103	103	PLUMBING SYSTEMS	PROVIDED	TABLE 103	103	PLUMBING SYSTEMS	PROVIDED
TABLE 104	104	STRUCTURAL	STRUCTURAL SYSTEMS	PROVIDED	TABLE 104	104	STRUCTURAL SYSTEMS	PROVIDED	TABLE 104	104	STRUCTURAL SYSTEMS	PROVIDED
TABLE 105	105	ENVIRONMENTAL	ENVIRONMENTAL SYSTEMS	PROVIDED	TABLE 105	105	ENVIRONMENTAL SYSTEMS	PROVIDED	TABLE 105	105	ENVIRONMENTAL SYSTEMS	PROVIDED
TABLE 106	106	SAFETY	SAFETY SYSTEMS	PROVIDED	TABLE 106	106	SAFETY SYSTEMS	PROVIDED	TABLE 106	106	SAFETY SYSTEMS	PROVIDED

LIFE SAFETY PLAN NOTES

1. ROOMS IDENTIFIED AS HIGH RISK ARE SHOWN WITH HATCHING AND SHALL BE CONSIDERED AS SUCH FOR ALL PURPOSES.
2. ROOMS IDENTIFIED AS HIGH RISK SHALL BE CONSIDERED AS SUCH FOR ALL PURPOSES.
3. ROOMS IDENTIFIED AS HIGH RISK SHALL BE CONSIDERED AS SUCH FOR ALL PURPOSES.

OVERALL LIFE SAFETY FLOOR PLAN

NOTE: ALL WALLS EXPOSED TO ADJACENT OR REAR TOWERS ABOVE, UNLESS OTHERWISE NOTED.



DATE: 11/11/01

BUILDING 2
OVERALL FLOOR PLAN

PROJECT NAME:
K-3 SCHOOL, EE
POLK COUNTY, FLORIDA

CONSTRUCTION DOCUMENTS
11/14/00
PROJECT NUMBER
20743.00

OWNER: SCHOOL BOARD
OF POLK COUNTY
1815 S. FLORAL AVENUE
BARTOW, FLORIDA

ARCHITECT:
B.M.K. ARCHITECTS, P.A.
3030 N.W. 10TH AVENUE, SUITE 200
FORT LAUDERDALE, FL 33309
PHONE: (954) 344-1111
FAX: (954) 344-1112
WWW.BMKARCHITECTS.COM

DATE: 11/11/01

PROJECT NUMBER: 20743.00

CONSTRUCTION DOCUMENTS: 11/14/00

OWNER: SCHOOL BOARD OF POLK COUNTY

ADDRESS: 1815 S. FLORAL AVENUE, BARTOW, FLORIDA

ARCHITECT: B.M.K. ARCHITECTS, P.A.

PROJECT NUMBER: 20743.00

DATE: 11/11/01

BUILDING 2 OVERALL FLOOR PLAN

PROJECT NAME: K-3 SCHOOL, EE, POLK COUNTY, FLORIDA

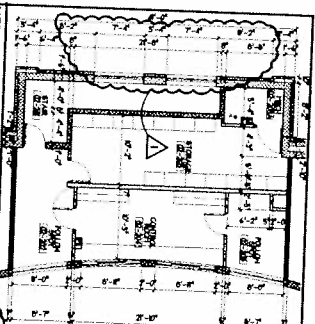
CONSTRUCTION DOCUMENTS: 11/14/00

OWNER: SCHOOL BOARD OF POLK COUNTY

ADDRESS: 1815 S. FLORAL AVENUE, BARTOW, FLORIDA

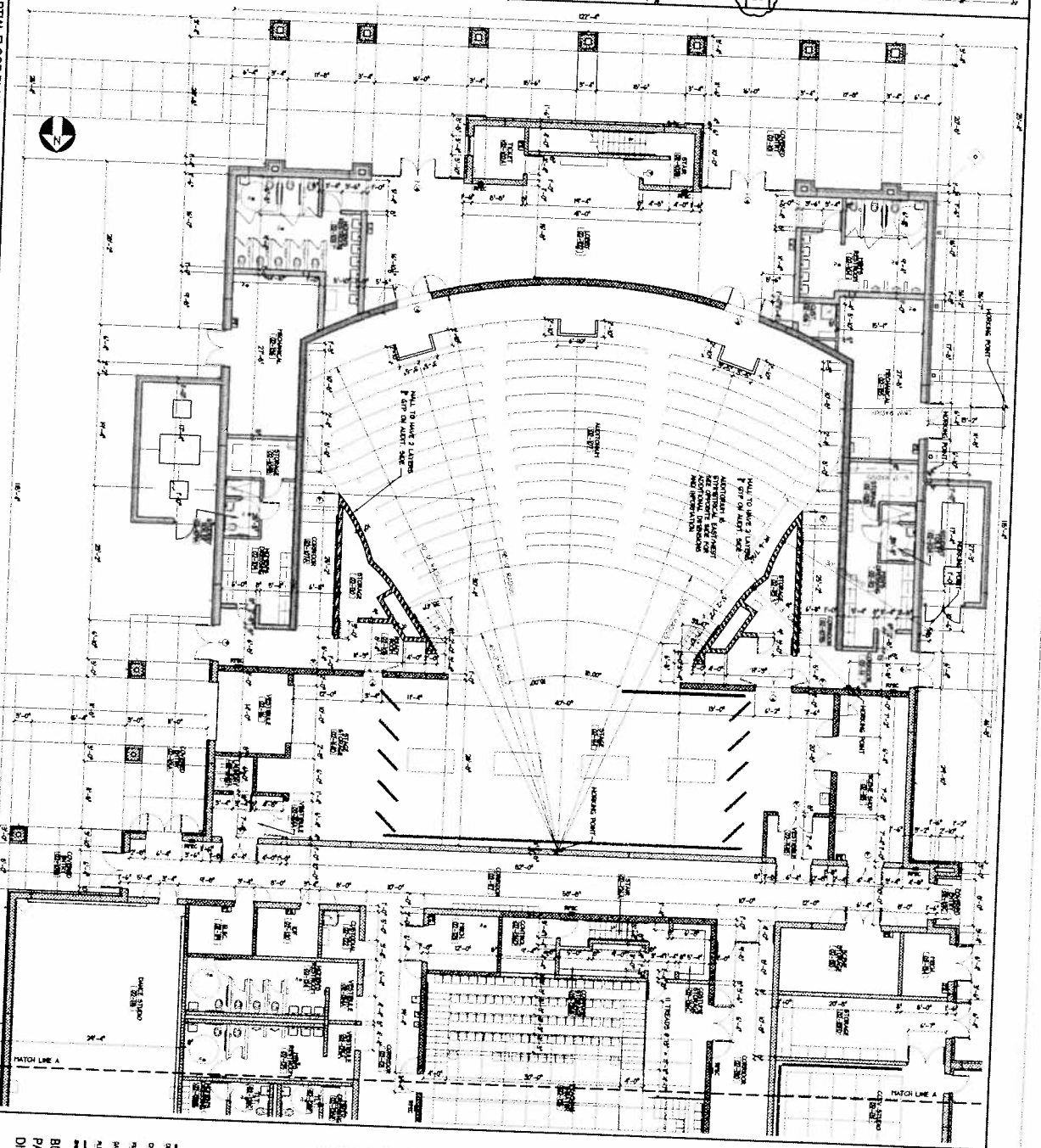
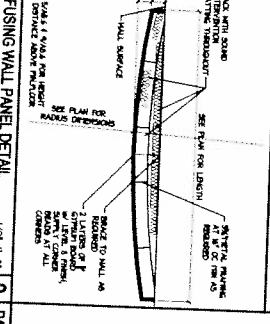
J.P. Swartz





- ### MEZZANINE FLOOR PLAN - DIMENSIONS 1/8" = 1'-0"
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- ### FLOOR PLAN LEGEND
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20. FINISH FLOOR



B MK ARCHITECTS

1800 CENTRAL EXPRESSWAY, SUITE 400
 JACKSONVILLE, FLORIDA 32202
 PHONE: (904) 941-1111
 FAX: (904) 941-1112
 WWW: WWW.BMKARCHITECTS.COM

SCHOOL BOARD OF POLK COUNTY
 1913 S. FLORAL AVENUE
 BARTOW, FLORIDA

CONSTRUCTION DOCUMENTS
 114108
 20743.00

PROJECT NAME: K8 SCHOOL, EE- POLK COUNTY, FLORIDA

DATE: 08/14/08

NO. TITLE DATE

101 000 08/14/08

102 000 08/14/08

103 000 08/14/08

104 000 08/14/08

105 000 08/14/08

106 000 08/14/08

107 000 08/14/08

108 000 08/14/08

109 000 08/14/08

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118 000 08/14/08

119 000 08/14/08

120 000 08/14/08

Paul D. West

PARTIAL FLOOR PLAN - NOTES & TARGETS

1/8" = 1' - 0"

ROOM FINISH SCHEDULE

FLOOR	DATE	FINISH	REMARKS
1	01/15/20	CONCRETE FLOOR	AS SHOWN
1	01/15/20	WALLS	CONCRETE BLOCK
1	01/15/20	CEILING	CONCRETE
1	01/15/20	DOORS	6'0" x 2'0" W/ 1 1/2" CORE
1	01/15/20	WINDOWS	6'0" x 4'0" W/ 1 1/2" CORE
1	01/15/20	STAIRS	CONCRETE
1	01/15/20	ELECTRICAL	SEE ELECTRICAL SCHEDULE
1	01/15/20	MECHANICAL	SEE MECHANICAL SCHEDULE
1	01/15/20	PLUMBING	SEE PLUMBING SCHEDULE
1	01/15/20	PAINT	SEE PAINT SCHEDULE
1	01/15/20	GLASS	SEE GLASS SCHEDULE
1	01/15/20	IRONING	SEE IRONING SCHEDULE
1	01/15/20	WOOD	SEE WOOD SCHEDULE
1	01/15/20	ROOFING	SEE ROOFING SCHEDULE
1	01/15/20	EXTERIOR	SEE EXTERIOR SCHEDULE
1	01/15/20	LANDSCAPE	SEE LANDSCAPE SCHEDULE
1	01/15/20	UTILITIES	SEE UTILITIES SCHEDULE
1	01/15/20	FINISH	SEE FINISH SCHEDULE

INTERIOR SYSTEMS LEGEND

SYMBOL	DESCRIPTION
(Symbol)	1.00 - 1/2" x 1/2" x 1/2" CONCRETE
(Symbol)	1.01 - 1/2" x 1/2" x 1/2" CONCRETE
(Symbol)	1.02 - 1/2" x 1/2" x 1/2" CONCRETE
(Symbol)	1.03 - 1/2" x 1/2" x 1/2" CONCRETE
(Symbol)	1.04 - 1/2" x 1/2" x 1/2" CONCRETE
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(Symbol)	1.20 - 1/2" x 1/2" x 1/2" CONCRETE

SHEET NOTES

1. ALL FINISHES TO BE AS SHOWN ON THIS SHEET UNLESS OTHERWISE NOTED.

2. ALL FINISHES TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

3. ALL FINISHES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.

4. ALL FINISHES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING CODES AND REGULATIONS.

5. ALL FINISHES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND REGULATIONS.

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9. ALL FINISHES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND REGULATIONS.

10. ALL FINISHES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND REGULATIONS.

AA.2.4

BUILDING 2
PARTIAL FLOOR PLAN
NOTES & TARGETS

DATE: 01/15/20

SCALE: 1/8" = 1' - 0"

PROJECT: K-3 SCHOOL, EP
POLK COUNTY, FLORIDA

CONSTRUCTION DOCUMENTS
11/4/08
207/43.00

SCHOOL BOARD
OF POLK COUNTY
1815 S. FLORAL AVENUE
BARTOW, FLORIDA

PROJECT NO. 207/43.00

DATE: 01/15/20

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