

AMC THEATRE AT TYRONE SQUARE

Issue: Vertical accessibility to all rows of seats in a movie theater complex.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in a new, \$7,000,000 12-screen movie complex. The theaters range from 121 to 296 seats in each. The appropriate number of accessible seating locations with adjacent companion seats have been provided and no accessible seats are placed on the ends of the rows. All accessible locations are placed at the lower portion of the higher section of stadium-style seating. An estimate of \$3,948,000 to provide vertical accessibility to all rows was submitted with the application.

Project Progress:

The project is under design.

Items to be Waived:

Vertical accessibility to all rows of seats, as required by Section 553.609, 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.

This application is available in alternate formats upon request.

**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: **AMC Theatre @ Tyrone Square**

Address: **AMC Theatre
Tyrone Square Mall
2930 Tyrone Blvd North
St Petersburg, FL 33710**

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: **Jack Muffoletto or David Bagot of TK Architects**

Applicant's Address: **106 W 11th Street Suite 1900
Kansas City MO 64105**

Applicant's Telephone: **816-842-7552** FAX: **816-842-1302**

Applicant's E-mail Address: **jmuffoletto@tkarch.com**

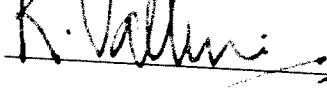
Relationship to Owner: **Architect**

Owner's Name: **AMC Realty, Inc.**

Owner's Address: **920 Main Street
Kansas City MO 64105**

Owner's Telephone: **816-221-4000** FAX: **816-480-4614**

Owner's E-mail Address: **rvalurj@amctheatres.com**

Signature of Owner:  **09/02/08**

Contact Person: **Jack Muffoletto or David Bagot as agent and Architect for AMC Realty, Inc.**

Contact Person's Telephone: **816-842-7552** E-mail Address: **jmuffoletto@tkarch.com
dbagot@tkarch.com**

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.)

The project is a +/- 47,000 square foot 12 screen stadium seating movie theatre

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

+/- \$7,000,000

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.

Not Applicable

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

Issue

1: Vertical accessibility, FBC Section 553.509 which states that the Owner shall provide vertical accessibility to all levels above and below the occupiable level

Issue

2:

Issue

3: _____

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.

The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

Substantial financial costs will be incurred by the owner if the waiver is denied.

Refer to attached Letter.

The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.

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.

a. **Refer to attached Letter.**

b.

c.

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.

Refer to attached letter.


TK Architects
Signature

THEODORE KNAPP
TK Architects
Printed Name

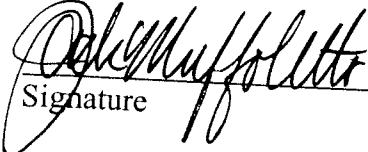
Phone number: 816-842-7552

(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 29th day of August, 2008


Signature

Jack Muffoletto
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. **Vertical Accessibility, FBC Section 553.509** which states that the Owner shall provide vertical accessibility to all levels above and below the occupiable grade level and **FBC Section 553.512 (1)** Florida Statutes provides for a waiver of the accessibility requirements set forth in **FBC 553.509** upon a determination of unnecessary, unreasonable or extreme hardship.

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?

Yes No Cost of Construction _____

Comments/Recommendation _____

Jurisdiction _____

Building Official or Designee _____
Signature

Printed Name _____

Certification Number _____

Telephone/FAX _____

Address: _____



106 W. 11th STREET SUITE 1900
KANSAS CITY, MO 64105
P. 816.842.7552 F. 816.842.1302

AA 000 2411

August 29, 2008

Request for Waiver Form
Accessibility Requirements
of Chapter 553, Part V,
Florida Statutes

Re: AMC Realty, Inc.
AMC @ Tyrone Square
TKA 07026.00/113

Item 8:
Reason for Waiver Request

■ Substantial financial costs will be incurred by the owner if the waiver is denied.

The AMC @ Tyrone Square is a 12 screen stadium seating movie theatre. Stadium seating is the industry standard and allows for unobstructed patron viewing of movies. Stadium seating is the issue for consideration of the Accessibility Waiver.

Each of the 12 auditoriums are comprised of tiered seating platforms of varying elevations ranging from 18" to 6" difference between adjacent platforms. Wheelchair accessible seating locations are designed in accessible viewing locations in each auditorium, with companion seating and to maximize the view angle to the top of the screen to be 30° or less. Additional ambulatory accessible seating is accommodated by providing lift up arms on aisle seats. To design this theatre to provide wheelchair accessibility to every row of stadium seating will cause extreme hardship to the Owner as follows:

I (126) chair lifts would be required to access every row of seating:

Vertical Platform Lift Pricing

| | | |
|----------------------------|---------------|---------|
| Mac's Lift Gate, Inc. | #PL50 | \$5,120 |
| Planet Mobility | #Trust T Lift | \$7,760 |
| Jazzy-Electric-Wheelchairs | #Mobilift CX | \$8,999 |

We have chosen the mid-range priced lift.

Per RS Means Construction Cost Data 2006, add 8% of the material cost for installation.
Therefore, (1) Lift, furnished and installed: $\$7,760 + \$621 = \$8,381$

(126) Lifts furnished and installed: $\$8,381 \times 126 = \$1,056,006$ additional cost.

II To design the physical space required for each lift, and access on each side of the lift, we have calculated that approximately 34 square feet additional per lift must be added to the building footprint.

Therefore: $34 \text{ SF} \times 126 \text{ lifts} = 4,284$ additional SF.

The preliminary building cost estimate is \$150/SF.

Therefore: $4,284 \text{ SF} \times \$150/\text{SF} = \$642,600$ additional cost.

III Each row of seating itself, accessed by the lift, must have an accessible route to the wheelchair accessible seating location. Each wheelchair accessible seating location must have minimum clear floor space for a 60" turning diameter or 36" for a "T"-shaped turn. Throughout the 126 affected rows in the movie theatre, there would be roughly an additional 15,000 sf needed to be added to the building footprint.

The preliminary building cost estimate is \$150/SF.
Therefore: 15,000 SF x \$150/SF = \$2,250,000 additional cost.

IV IV In Summary:
Additional building costs for vertical accessibility:

| | |
|---|--------------|
| Platform Lifts (126) Material & Labor | \$ 1,056,006 |
| Platform Lift SF Additional 4,284 SF | \$ 642,600 |
| Accessible Seating Rows (126) Additional 15,000 SF | \$ 2,250,000 |
| Total Financial Hardship: | \$ 3,948,606 |

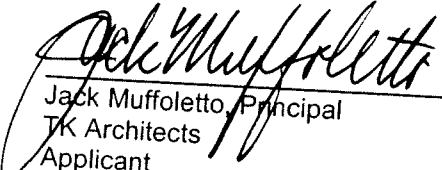
Compared to the original building cost estimate:
47,000 SF x \$150/SF = \$ 7,050,000
New Total: \$10,998,606
Or 56% cost increase.

It is not practical to provide vertical accessibility to each level of stadium seating, due to the high cost of providing multiple lifts and due to requirements of ADA Section 4.33.3 which states that the seating shall adjoin an accessible route that also serves as a means of egress in case of emergency.

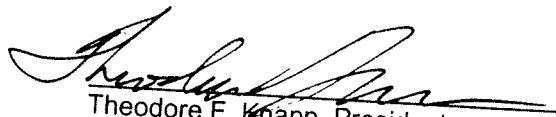
As it is not practical to achieve this in a stadium seating-style movie theatre we have provided a solution:

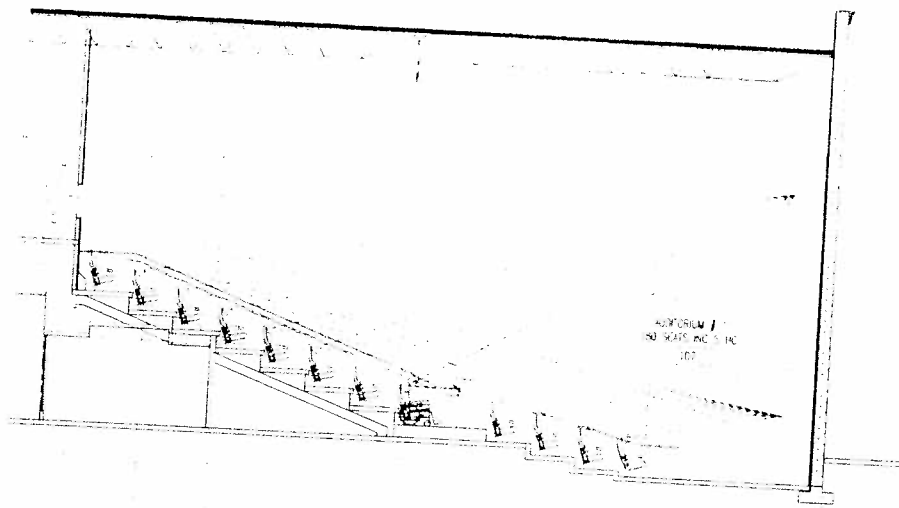
- 1) To meet the required quantities of disabled seating locations.
- 2) To include a companion seat for each disabled seating location.
- 3) And provide a maximum view angle to the top of the screen to be 30° or less. The 30° view angle situates the disabled seating locations in about the center on the auditorium achieving comparable sight lines for all patrons.

Prepared by,

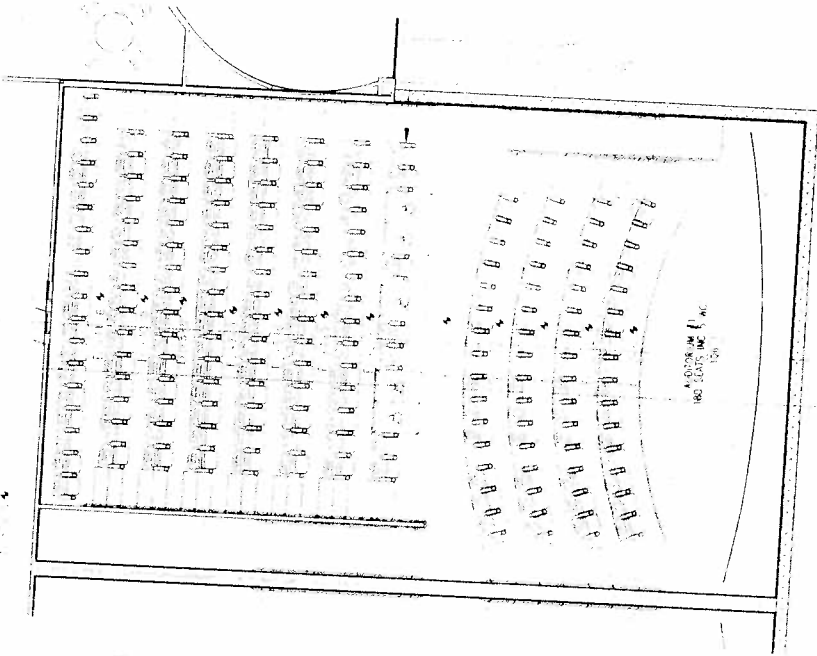

Jack Muffoletto, Principal
TK Architects
Applicant

JM/jl


Theodore F. Knapp, President
TK Architects
Design Professional



2 SECT. @ AUD. #1 (AUD. #2 11 & 12 SIM)
 1/16" = 1'-0"



1 AUD. #1 PLAN (AUD. #2 11 & 12 SIM)
 1/16" = 1'-0"

TK
 ARCHITECTS

TYRONE
 SQUARE MALL
 ST. PETERSBURG, FL

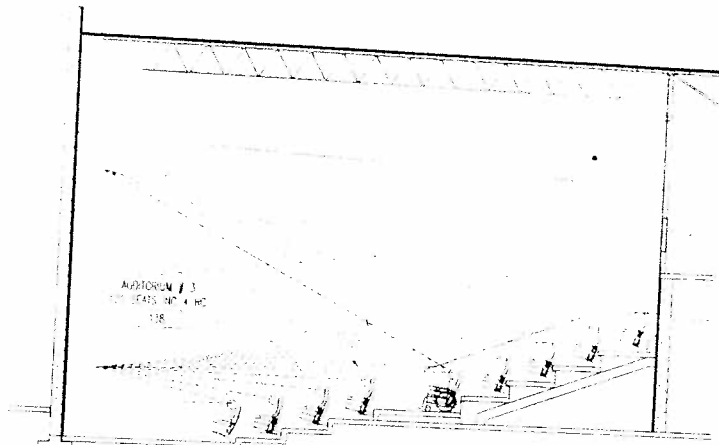
amc

DATE: 28 AUG 2008
 PROJECT #: 07026.00
 AUD. #1
 A03

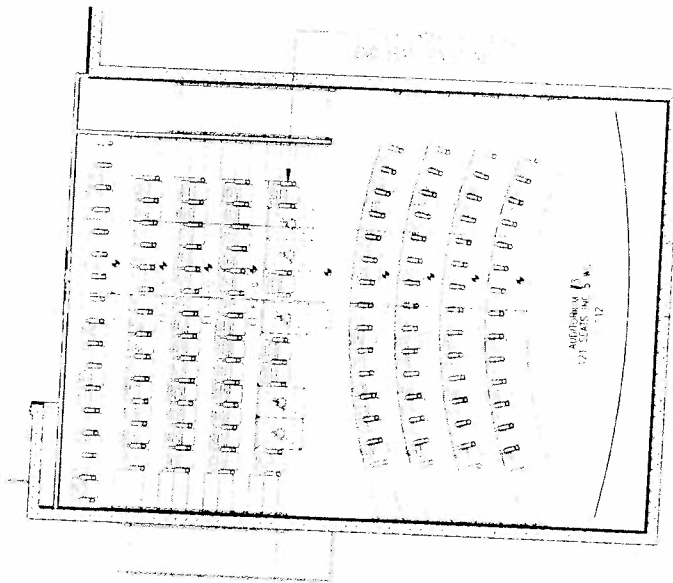
106 West 11th Street, KC, MO

PH (816) 842-7552

Fax (816)842-1302



2 SECT@ AUD. #3 (AUD. #10 SIM)
1/16" = 1'-0"



1 AUD. #3 PLAN (AUD. #10 SIM)
1/16" = 1'-0"

TK
ARCHITECTS

TYRONE
SQUARE MALL
ST. PETERSBURG, FL

amc

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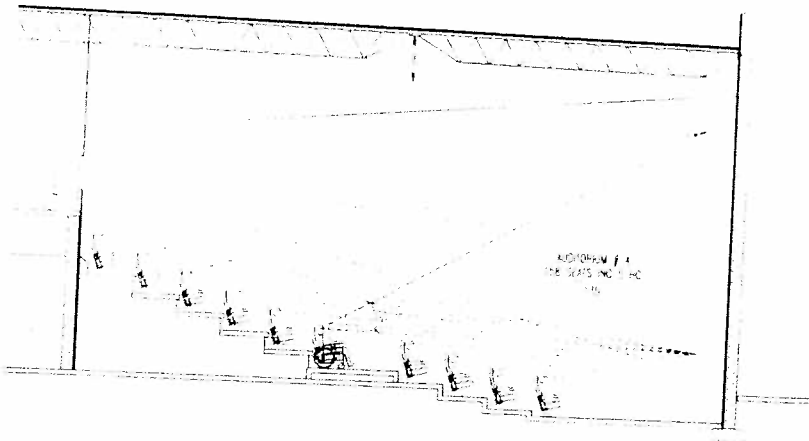
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A04

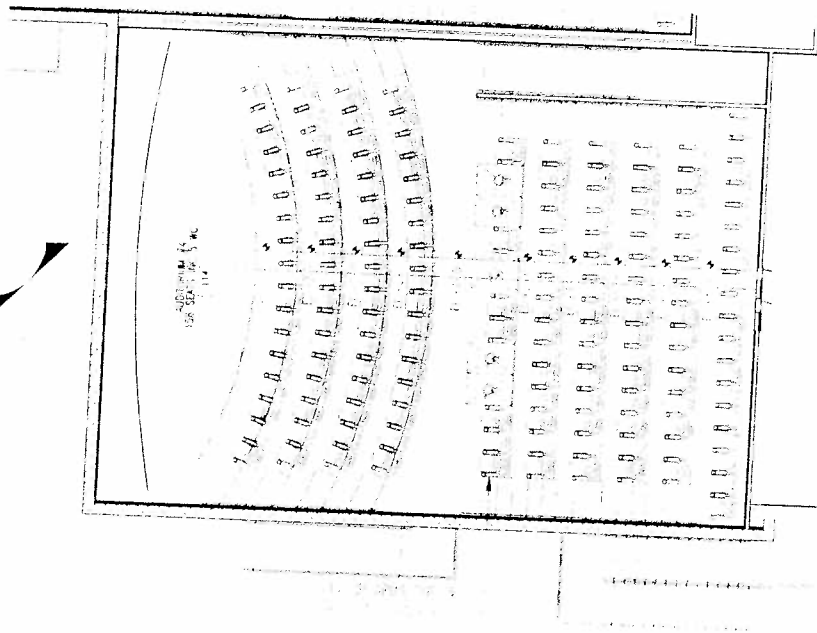
106 West 11th Street, KC, MO

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2 SECT. @ AUD. #4 (AUD. #9 SIM)
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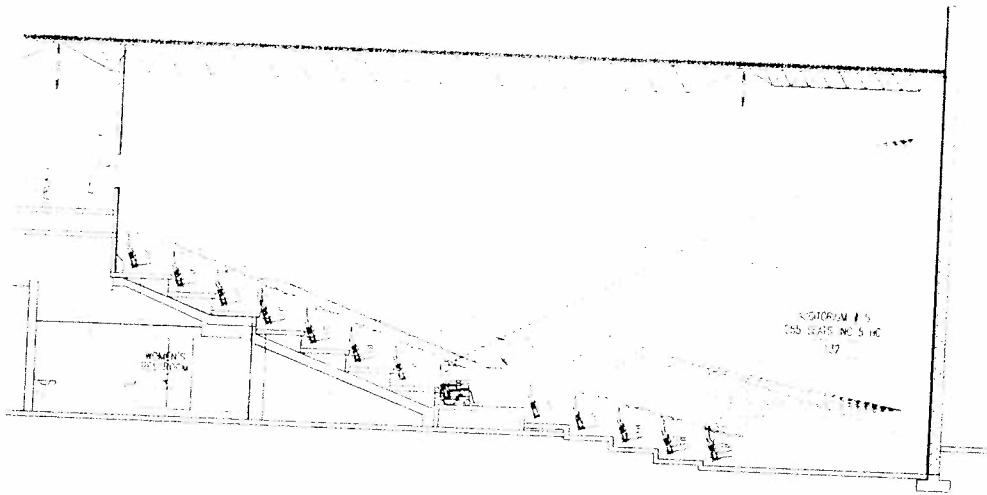
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 PROJECT #: 07026.00

AUD. #4
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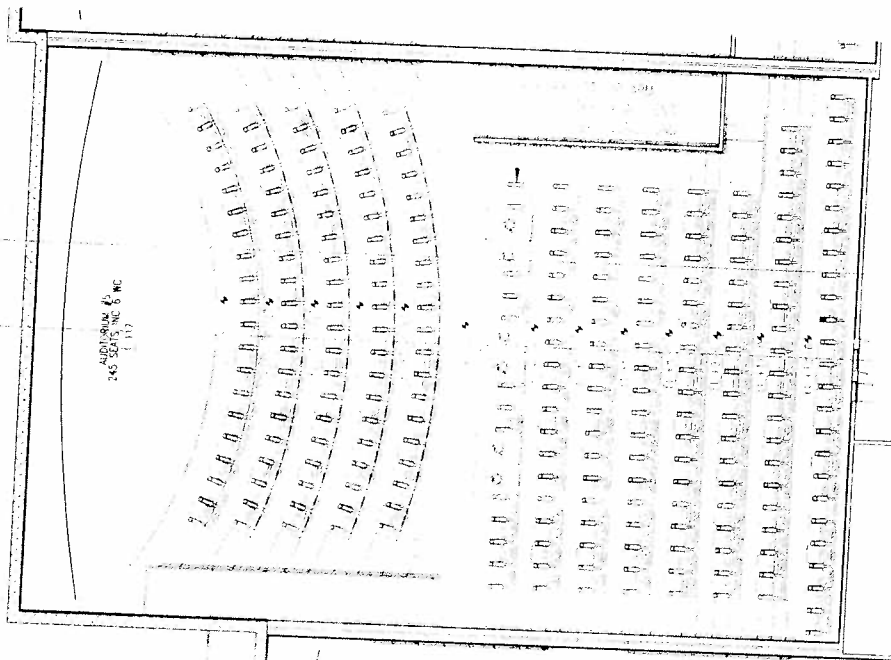
106 West 11th Street, KC, MO

PH (816) 842-7552

Fax (816)842-1302



2 SECT. @ AUD.# 5 (AUD. #8 SIM)
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1 AUD. #5 PLAN (AUD. #8 SIM)
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TK
 ARCHITECTS

TYRONE
 SQUARE MALL
 ST. PETERSBURG, FL

amc

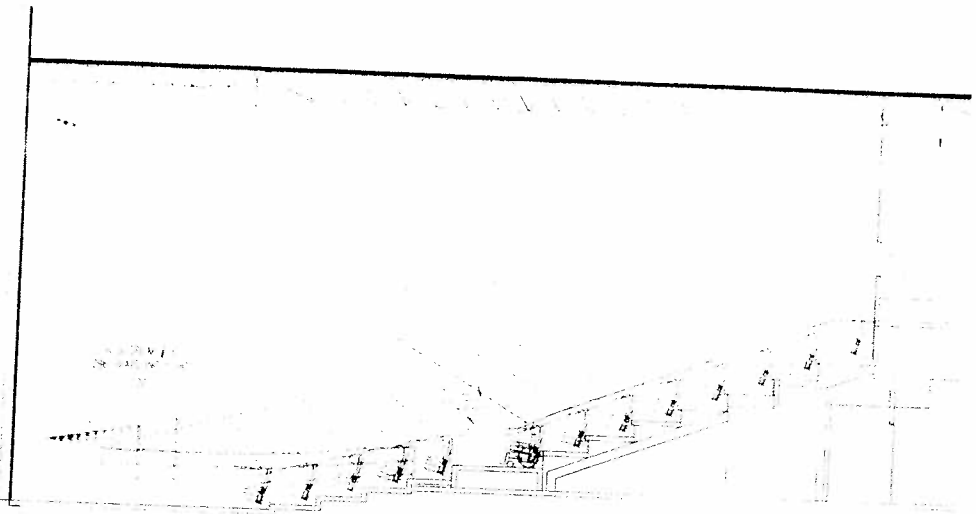
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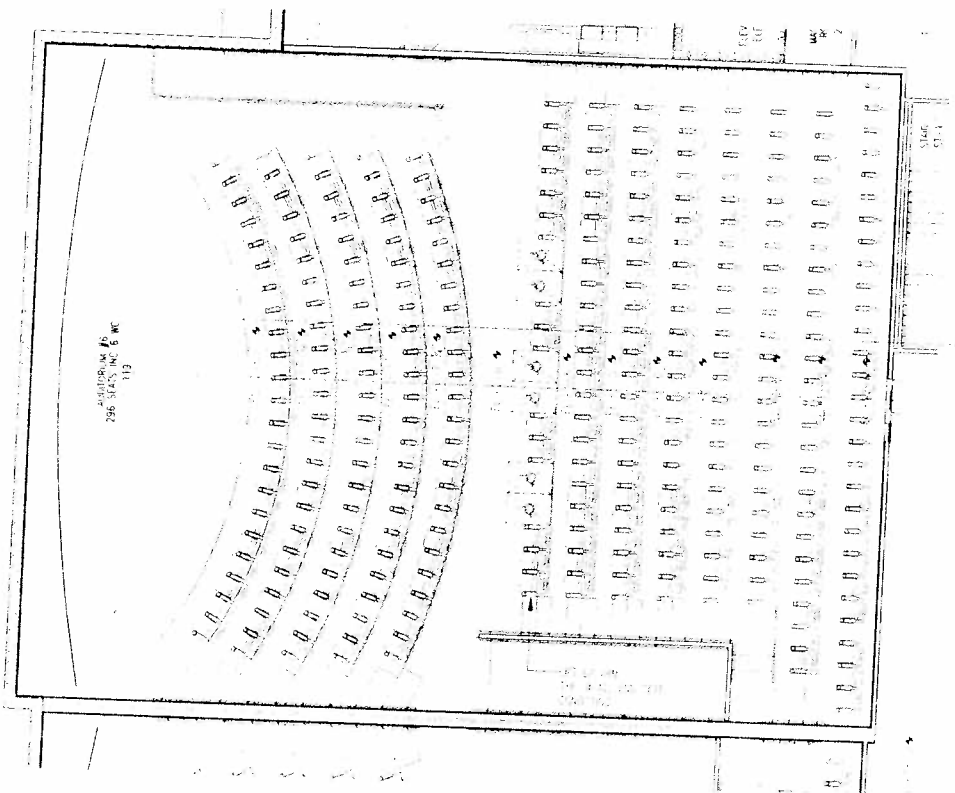
106 West 11th Street, KC, MO

PH (816) 842-7552

Fax (816)842-1302



2 2 - SECT. @ AUD. #6 (AUD. #7 SIM)
 1/16" = 1'-0"



1 AUD. #6 PLAN (AUD. #7 SIM)
 1/16" = 1'-0"



TK
 ARCHITECTS

TYRONE
 SQUARE MALL
 ST. PETERSBURG, FL



DATE: 28 AUG 2008
 PROJECT #: 07026.00
 AUD. #6
 A07

106 West 11th Street, KC, MO

PH (816) 842-7552

Fax (816)842-1302

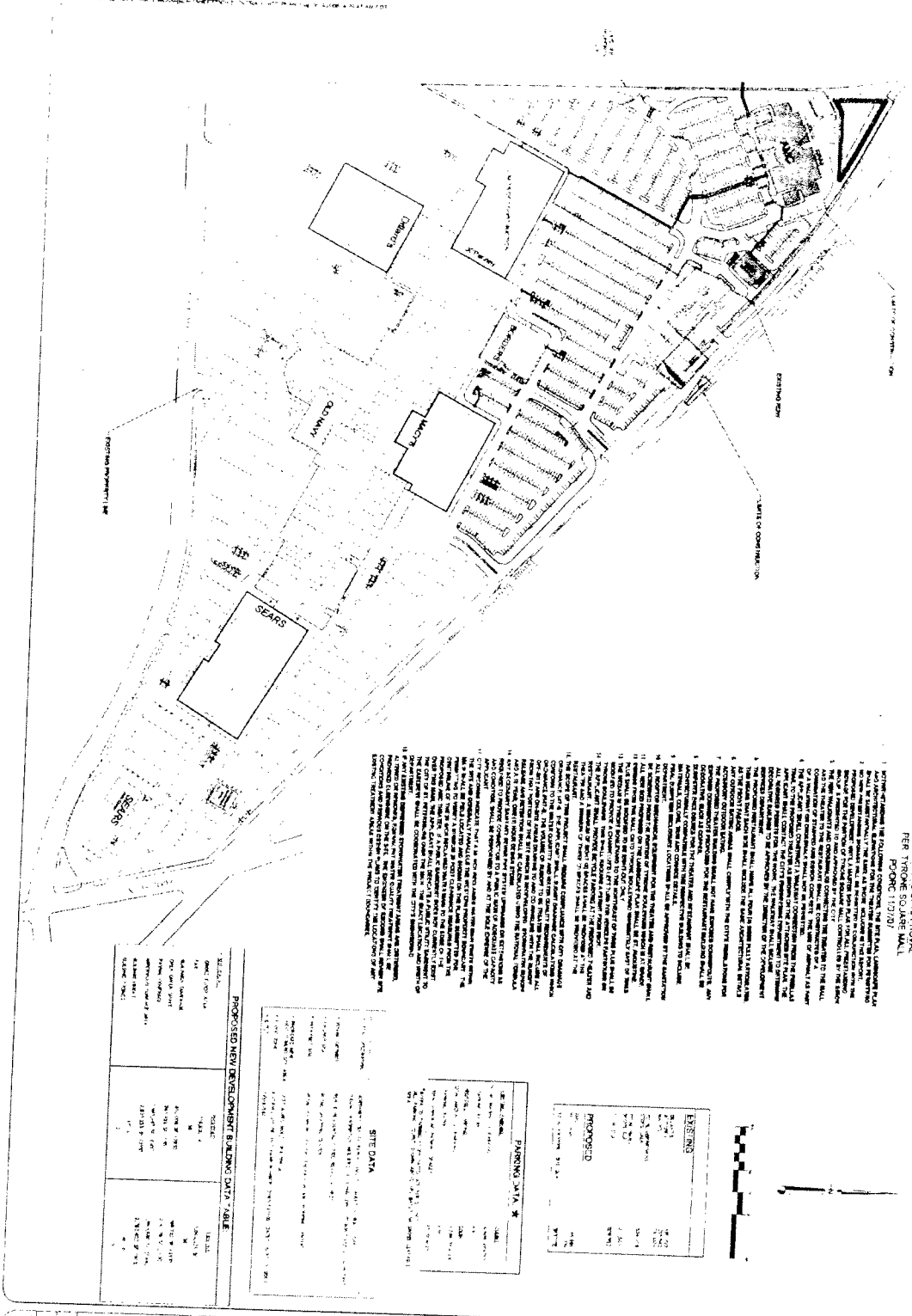
TK
106 West 11th Street, KC
PH: (816) 842-2552
Fax: (816) 842-1302

TYRONE SQUARE MALL

ST. PETERSBURG, FL

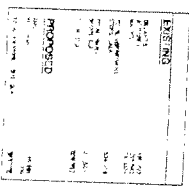


DATE: 26 AUG 2008
PROJECT #: 070267
SITE PLAN
A01



CONDITIONS OF APPROVAL
FOR TYRONE SQUARE MALL
PC08C 11/27/07

1. The proposed development shall be in accordance with the applicable zoning ordinance and all other applicable laws, codes, and regulations of the City of St. Petersburg.
2. The proposed development shall be in accordance with the applicable subdivision ordinance and all other applicable laws, codes, and regulations of the City of St. Petersburg.
3. The proposed development shall be in accordance with the applicable fire code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
4. The proposed development shall be in accordance with the applicable health code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
5. The proposed development shall be in accordance with the applicable building code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
6. The proposed development shall be in accordance with the applicable electrical code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
7. The proposed development shall be in accordance with the applicable plumbing code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
8. The proposed development shall be in accordance with the applicable mechanical code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
9. The proposed development shall be in accordance with the applicable energy code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
10. The proposed development shall be in accordance with the applicable accessibility code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
11. The proposed development shall be in accordance with the applicable environmental code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
12. The proposed development shall be in accordance with the applicable noise code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
13. The proposed development shall be in accordance with the applicable traffic code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
14. The proposed development shall be in accordance with the applicable public works code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
15. The proposed development shall be in accordance with the applicable public safety code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
16. The proposed development shall be in accordance with the applicable public utility code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
17. The proposed development shall be in accordance with the applicable public health code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
18. The proposed development shall be in accordance with the applicable public safety code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
19. The proposed development shall be in accordance with the applicable public utility code and all other applicable laws, codes, and regulations of the City of St. Petersburg.
20. The proposed development shall be in accordance with the applicable public health code and all other applicable laws, codes, and regulations of the City of St. Petersburg.



PARKING DATA

| TYPE | NUMBER |
|--------|--------|
| STREET | 100 |
| LOT | 200 |
| TOTAL | 300 |

SITE DATA

| PROPERTY | DESCRIPTION |
|----------|-----------------------|
| AREA | 100,000 sq. ft. |
| PERMITS | 1000 |
| REMARKS | SEE ATTACHED DRAWINGS |

PROPOSED NEW DEVELOPMENT BUILDING DATA TABLE

| NO. | DESCRIPTION | AREA (sq. ft.) | VOLUME (cu. ft.) |
|-----|-------------------|----------------|------------------|
| 1 | AMC MOVIE THEATER | 100,000 | 1,000,000 |
| 2 | SEARS | 200,000 | 2,000,000 |
| 3 | EXISTING SIDEWALK | 50,000 | 500,000 |
| 4 | TOTAL | 350,000 | 3,500,000 |

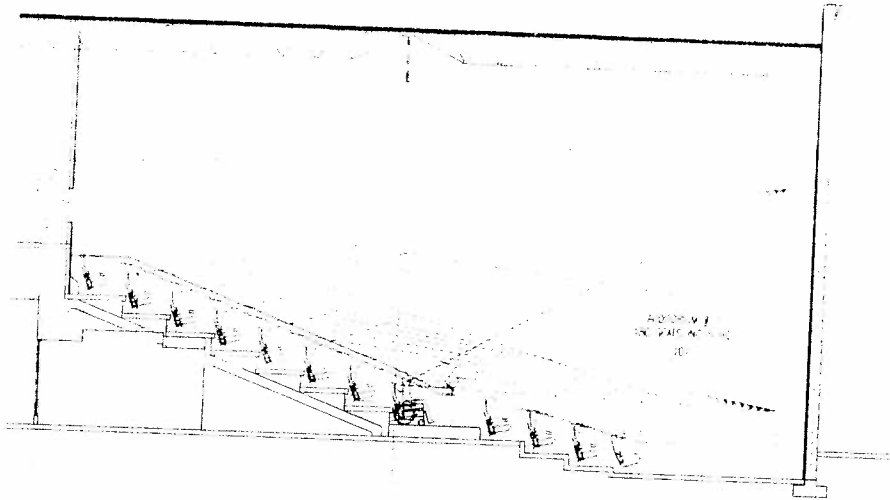
TYRONE SQUARE MALL
AMC MOVIE THEATER

OVERALL SITE PLAN

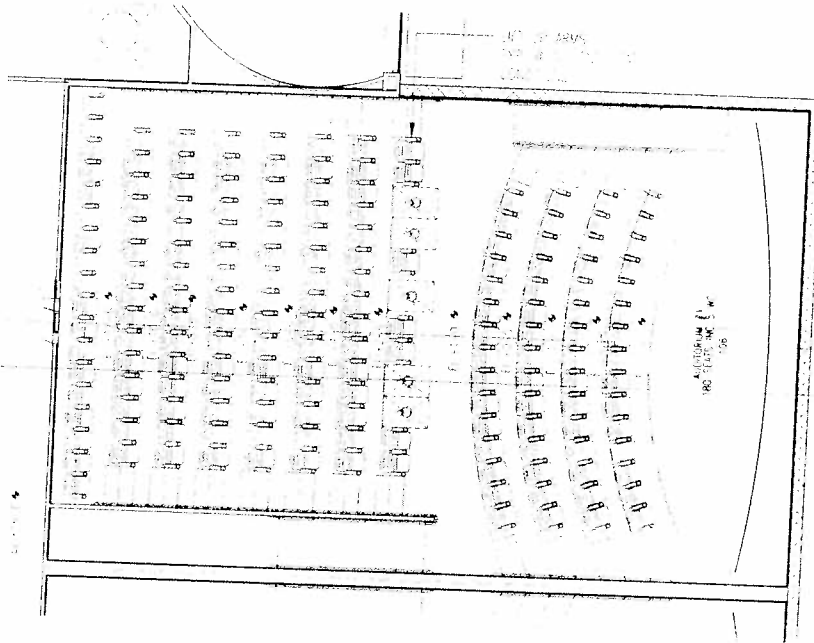
C-03

URS Corporation
1900 West County Center Parkway
Suite 1000, St. Louis, MO 63103
Phone: 314.433.1000
Fax: 314.433.1001

SIMON
PROPERTY GROUP
200 W. BROADWAY, SUITE 1000
ST. LOUIS, MO 63102
Phone: 314.433.1000
Fax: 314.433.1001



2 SECT. @ AUD. #1 (AUD. #2 11 & 12 SIM)
 1/16" = 1'-0"



1 AUD. #1 PLAN (AUD. #2 11 & 12 SIM)
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TK
 ARCHITECTS

TYRONE
 SQUARE MALL
 ST. PETERSBURG, FL

amc

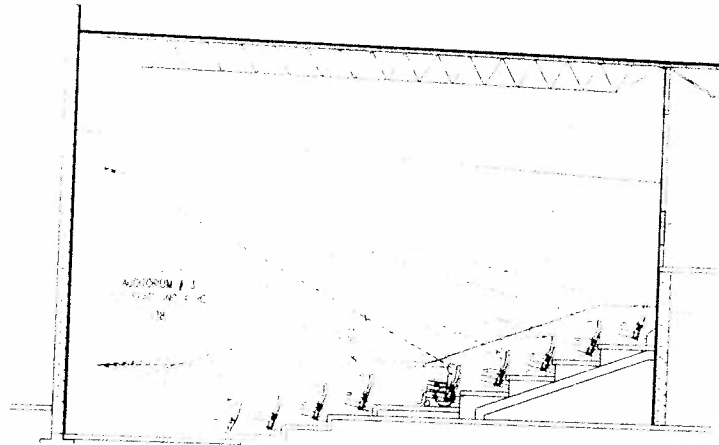
DATE: 28 AUG 2008
 PROJECT #: 07026.00

AUD. #1
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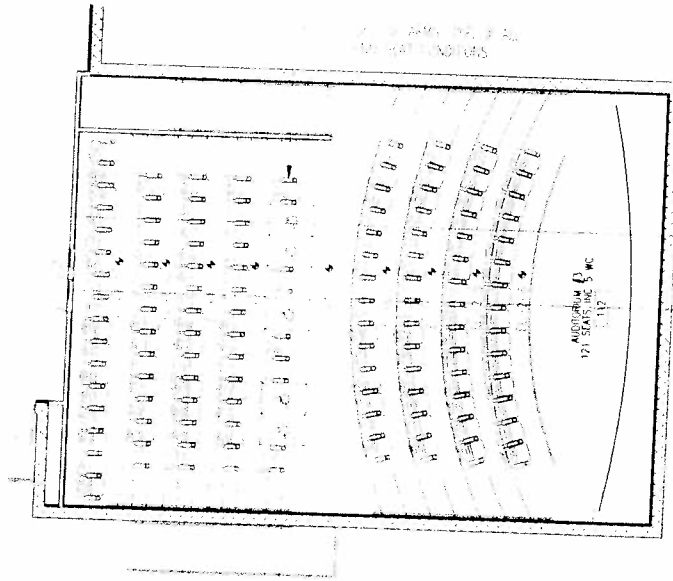
106 West 11th Street, KC, MO

PH (816) 842-7552

Fax (816)842-1302



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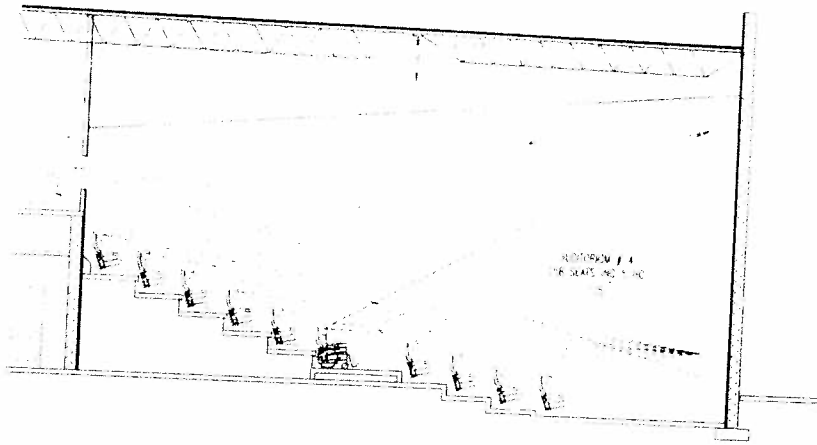
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AUD#3
A04

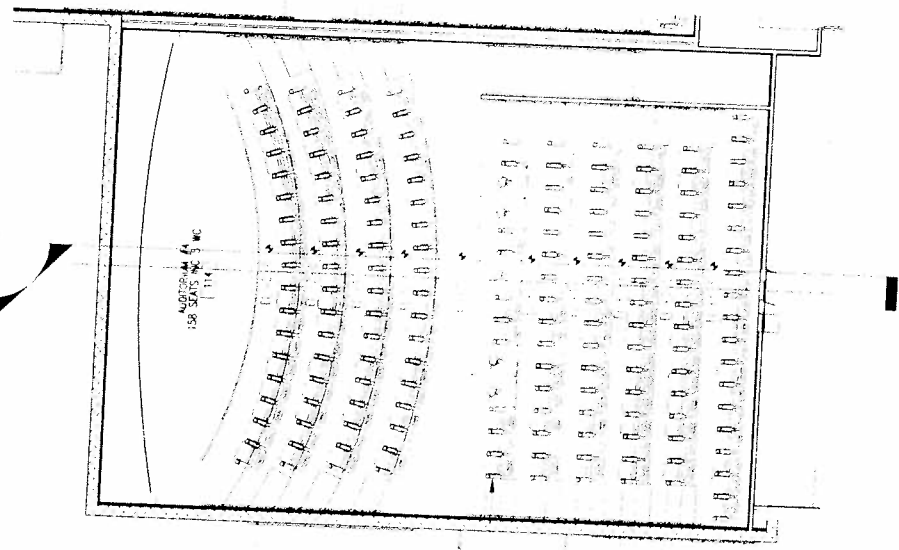
106 West 11th Street, KC, MO

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ARCHITECTS

TYRONE
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ST. PETERSBURG, FL

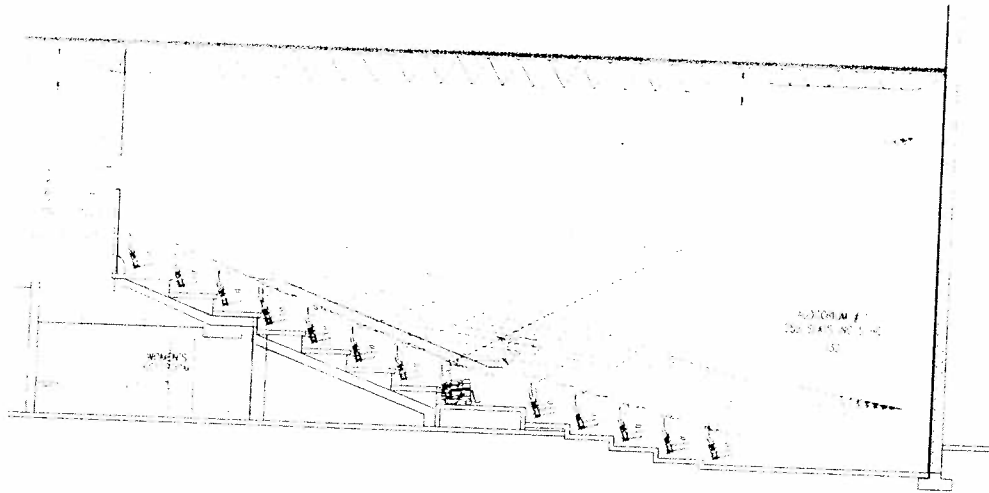
amc

DATE: 28 AUG 2008
PROJECT #: 07026.00
AUD. #4
A05

106 West 11th Street, KC, MO

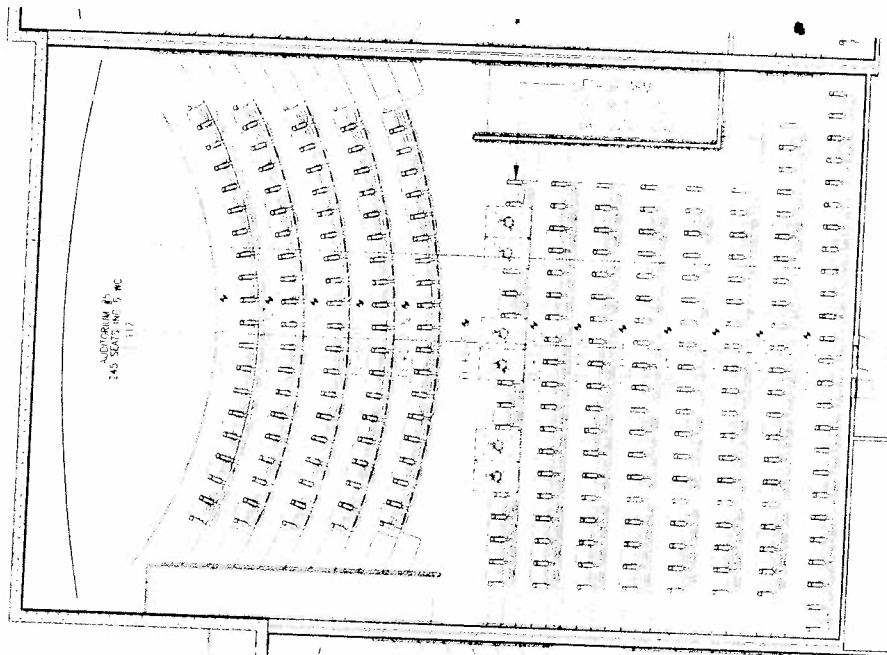
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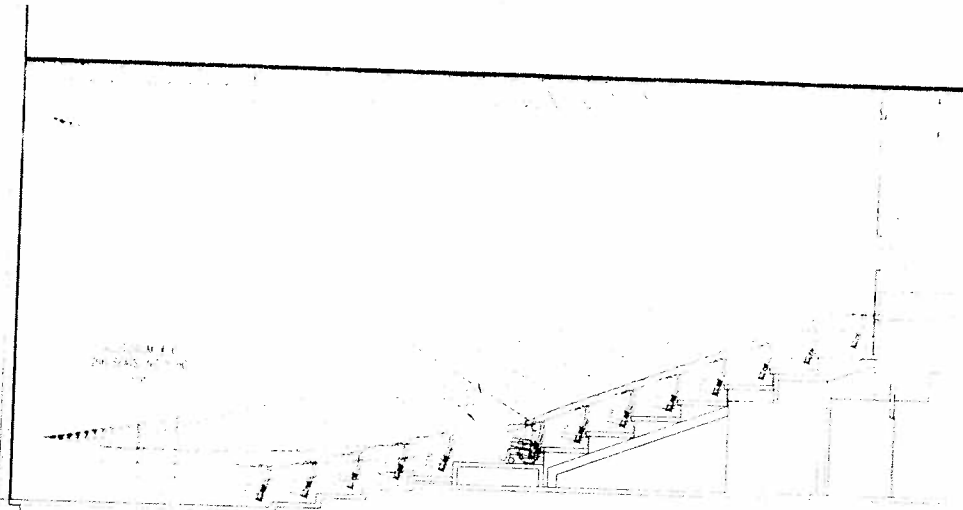
AUD. #5

A06

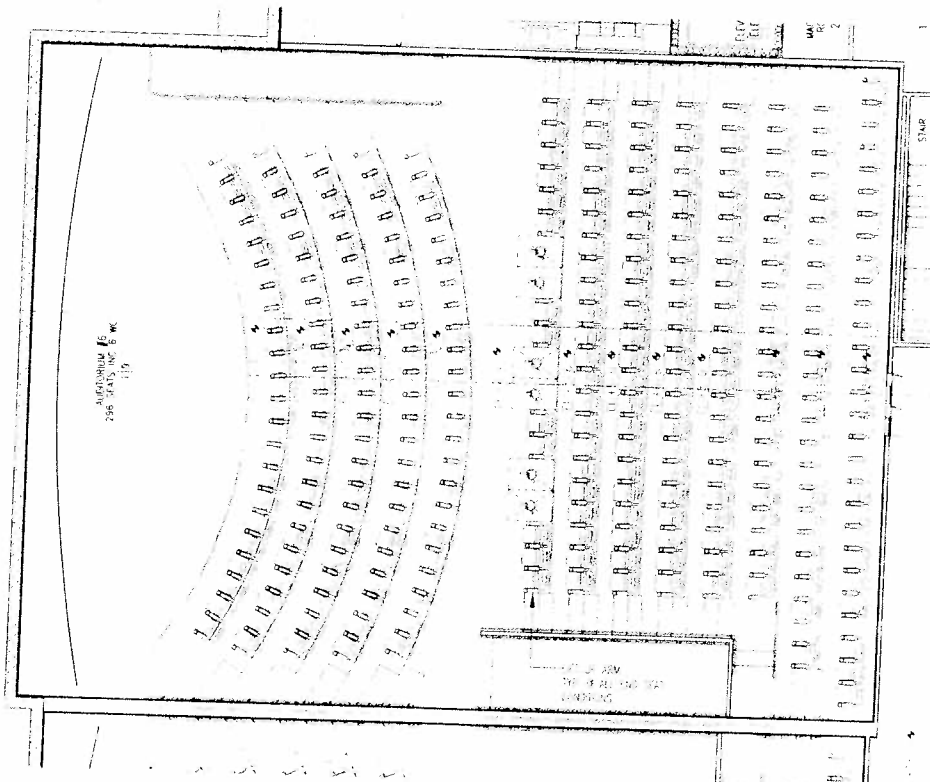
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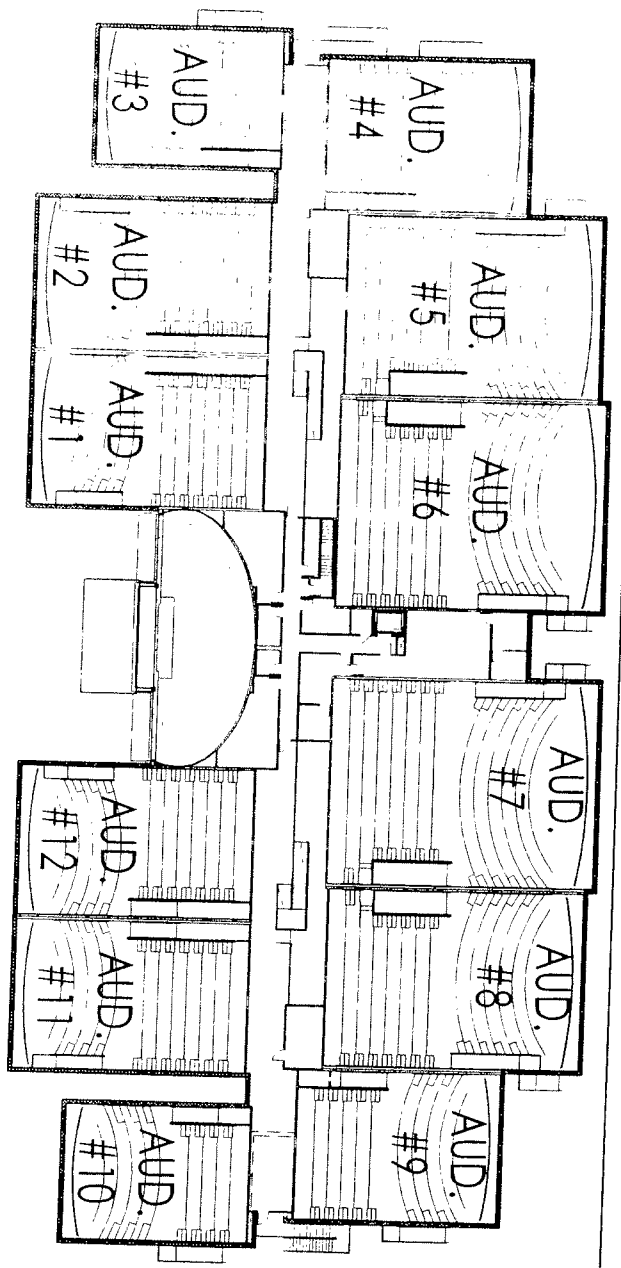


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 PROJECT #: 07026.00
 AUD. #6
 A07

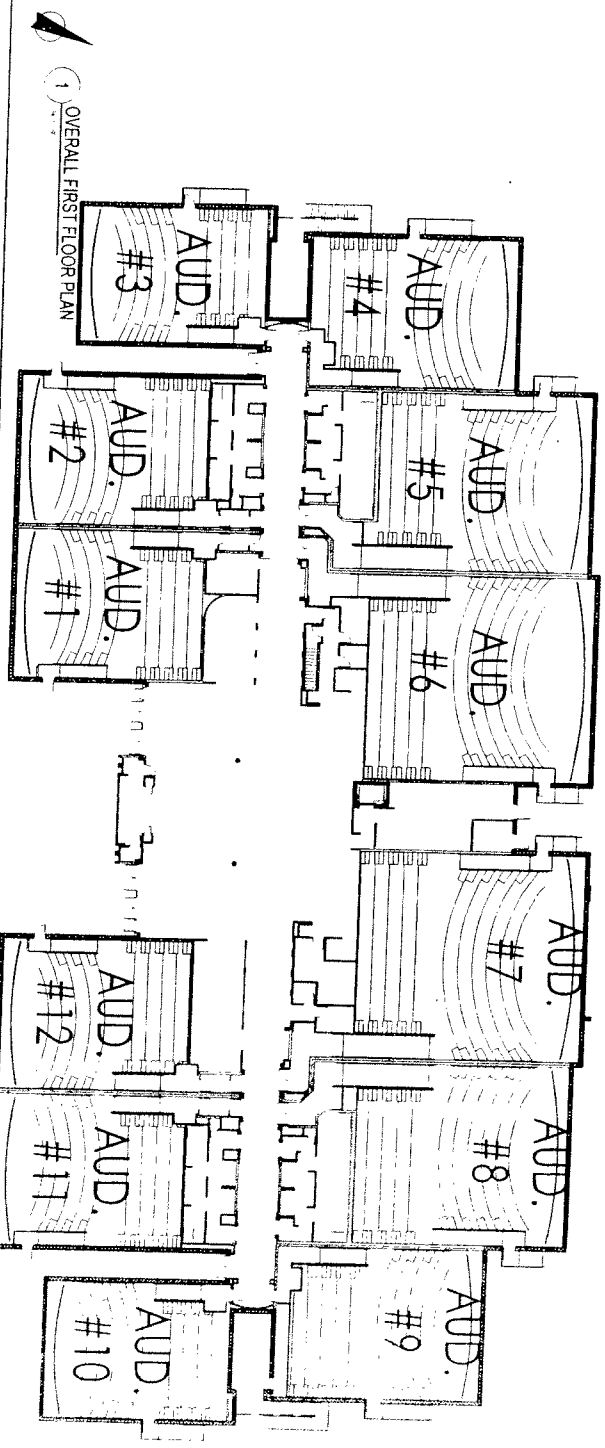
106 West 11th Street, KC, MO

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2 OVERALL MEZZANINE PLAN



1 OVERALL FIRST FLOOR PLAN

TK
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TYRONE SQUARE MALL
ST. PETERSBURG, FL



DATE: 28 AUG 2009
PROJECT #: 07025.60
OVERALL PLAN
A02