

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: Cobb Theatres 12 at Countryside Mall
Address: 27001 US Highway 19 North
Clearwater, Florida 33761

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: David W. Breedlove

Applicant's Address: 1909 Courtney Drive; Birmingham, AL 35209

Applicant's Telephone: (205) 879-5458 **FAX:** (205) 879-5460

Applicant's E-mail Address: dwb@rlsdesigngroup.com

Relationship to Owner: Consultant/Agent

Owner's Name: Cobb Theatres

Owner's Address: 2000-B Southbridge Parkway; Suite 100; Birmingham, AL 35209

Owner's Telephone: (205) 802-7766 **FAX** (205) 802-7771

Owner's E-mail Address: dwb@rlsdesigngroup.com

Signature of Owner:  as Agent and Architect for Cobb Theatres

Contact Person: David W. Breedlove

Contact Person's Telephone: (205) 879-5458 **E-mail Address:** dwb@rlsdesigngroup.com

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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 12 screen multi-plex movie theatre with tiered "stadium style" seating platforms in each auditorium.

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): \$4,285,000.00

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.

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

Issue

1: See Attachment "A"

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.

See Attachment "A"

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

See Attachment "B1" and "B2"

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. The following is the estimated cost impact for this multi-plex theatre to comply with section

553.509 of the Florida Statutes. Twelve (12) lifts required (12 x 52,200 = \$626,400.00). See attachment "B1" and "B2".

b. Also between 15% and 30% of the seats (depending on auditorium size and seating configuration) will be displaced by the installation of lifts.

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.

Waiver is necessary due to construction costs and feasibility of project.

David W. Breedlove DAVID W. BREEDLOVE
Signature Printed Name

Phone number (205) 879-5458

(SEAL)

David W. Breedlove

11-02-10

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 2ND day of November, 2010

David W Breedlove

Signature

DAVID W. BREEDLOVE

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.

The Florida State Statutes Section 553.509 *Vertical Accessibility* states that "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 for the duty to provide vertical accessibility to all levels above and below the habitable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility." The stadium seating concept is one relatively new to the movie theatre industry; therefore, it is commonly believed that this type of building construction was not anticipated during the drafting of legislation for vertical accessibility or that it was meant to mean that every level or platform of stadium seating may be made accessible. The design industry has relied on Section 4.33.3 Placement of Wheelchair Locations for direction during the design process. This section states:

"Wheelchair areas shall be an integral part of any fixed seating plan and shall be provided so as to provide people with physical disabilities a choice of admission prices and lines of site comparable to those for members of the general public. They shall adjoin an accessible route that also serves as a means of egress in case of emergency. At least one companion fixed seat shall be provided next to each wheelchair seating area. When the seating capacity exceeds 300, wheelchair spaces shall be provided in more than one location. Readily removable seats may be installed in wheelchair spaces when the spaces are not required to accommodate wheelchair user. **EXCEPTION:** 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."

It is the design industry's desire and duty to incorporate the findings and wishes of the Council and Board with sound and practical construction methods. However it is impossible to provide vertical accessibility to each level of stadium seating due: 1) to the high cost and 2) to the requirements of the ADA Section 4.33.3 which states "they (stadium seating) shall adjoin an accessible route that also serves as a means of egress in case of emergency" It is impractical to achieve this in a stadium seating movie theatre and accommodate the needs of all patrons. We have therefore established the goal of locating accessible seating to within 0% to 20% of the center of each house achieving a disbursed pattern and providing for companion seating as well as achieving comparable sight lines. Having complied with the remaining requirements of Section 4.33.3; it is our belief that this compromise is an acceptable solution to the concerns of all patrons.

ATTACHMENT "B1"



**Parkes
Construction**

A PARKES COMPANY

105 Reynolds Drive / Franklin, TN 37064-2926 / 615-595-2400 / 615-595-2475 Fax / www.parkescompanies.com



November 2, 2010

Mr. David Breedlove, Architect
RLS Design Group
1909 Courtney Drive
Homewood, AL 35209

RE: Cobb Theatre at Countryside Mall, Clearwater, FL

Dear Mr. Breedlove:

We have received the plans for the project referenced above. We estimate that it will cost approximately \$54,600.00 per screen to install lifts in each auditorium. The noted cost includes all structural and electrical required for the installation of the lifts.

We hope this information is helpful. If you have any questions or need additional information, please do not hesitate to call.

Sincerely,

Parkes Construction
A Parkes Company

Daniel P. Simpson
Project Manager



Building Solutions, From the Ground Up!



"ATTACHMENT B2"

October 25, 2010

David W. Breedlove, Architect
1909 Courtney Drive
Homewood, AL 35209

Attn: David Breedlove

Subject: Cobb Theatre at Countryside Mall
Clearwater, FL

Dear David:

We have received the plans for the subject project. We estimate that it will cost approximately \$52,200 per screen to install lifts in each theatre. This cost would include all associated structural and electrical required to install the lifts.

We hope this information is helpful. If you have any questions or need additional information, please do not hesitate to call.

Yours very truly,

Brasfield & Gorrie, LLC

A handwritten signature in black ink, appearing to be "JE", written over a horizontal line.

Jim Ellspermann
Operations Manager

Plotted By: j1ietje 02 Nov. 2010 Drawing File: C:\DOCUME~1\j1ietje\LOCALS~1\Temp\AcPublish_4561_SMI1.dwg

U.S. 19

STATE ROAD 580

SEARS
T.B.A.

AMC
THEATER

Dillard's

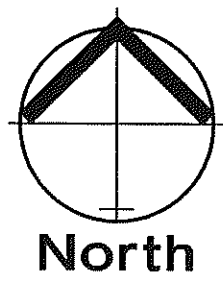
JCPenney

macy's

JC
PENNEY
T.B.A.
(DON OLSON)

PROJECT LOCATION

COUNTRYSIDE BLVD.



1
SW1.1

SITE PLAN

SCALE: 1"=100'

David W. Breedlove
11-02-10

ACCESSIBILITY WAIVER APPLICATION

COBB COUNTRYSIDE 12

CLEARWATER, FLORIDA

11-01-10

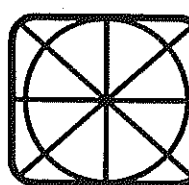
09-1091

SITE PLAN

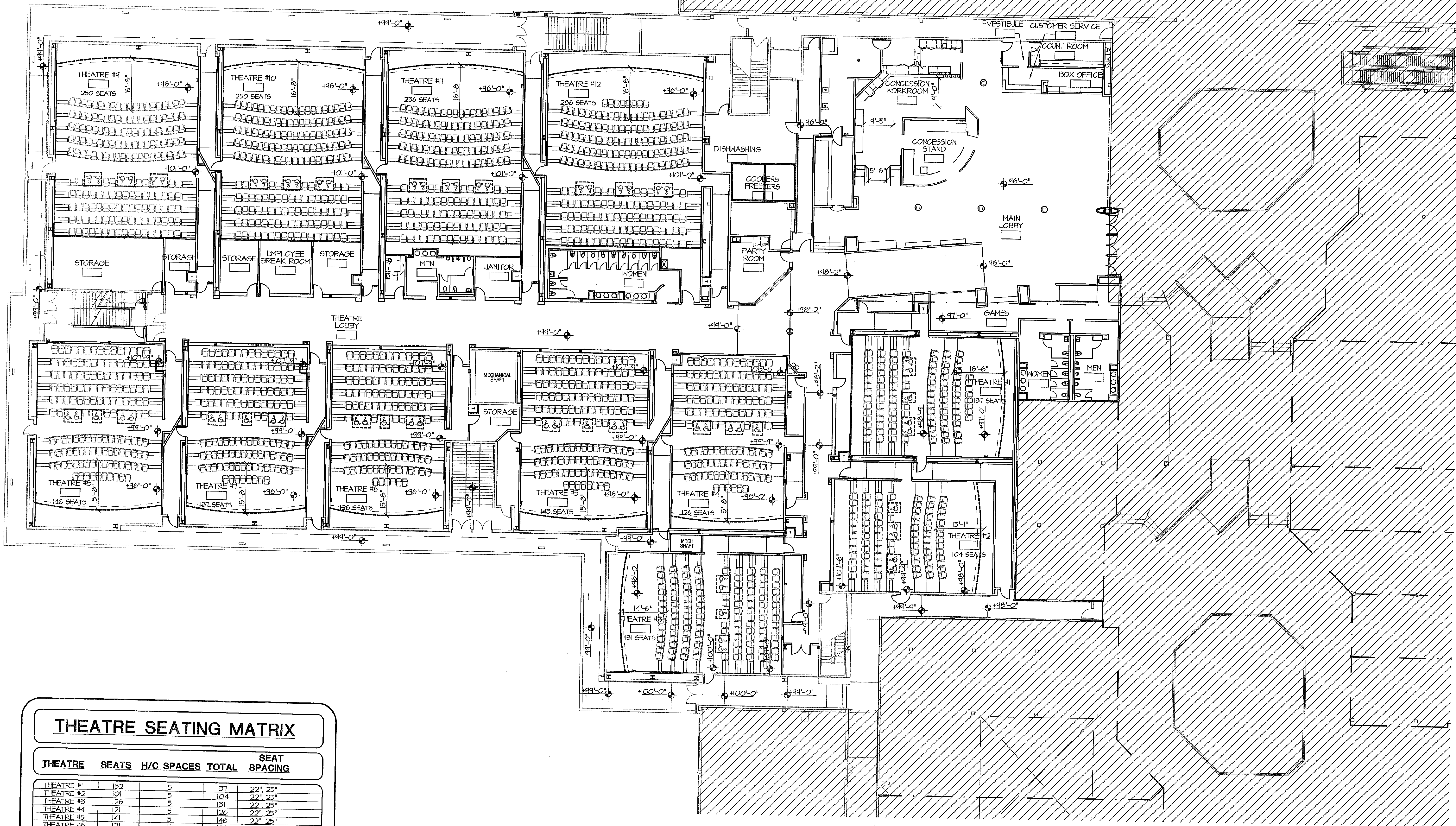
DAVID W. BREEDLOVE - ARCHITECT

1409 COURTNEY DR. HOMEWOOD, ALABAMA 35209

OFFICE # 205-874-5458
FAX # 205-874-5460
E-mail: david@dwbreedlove.com



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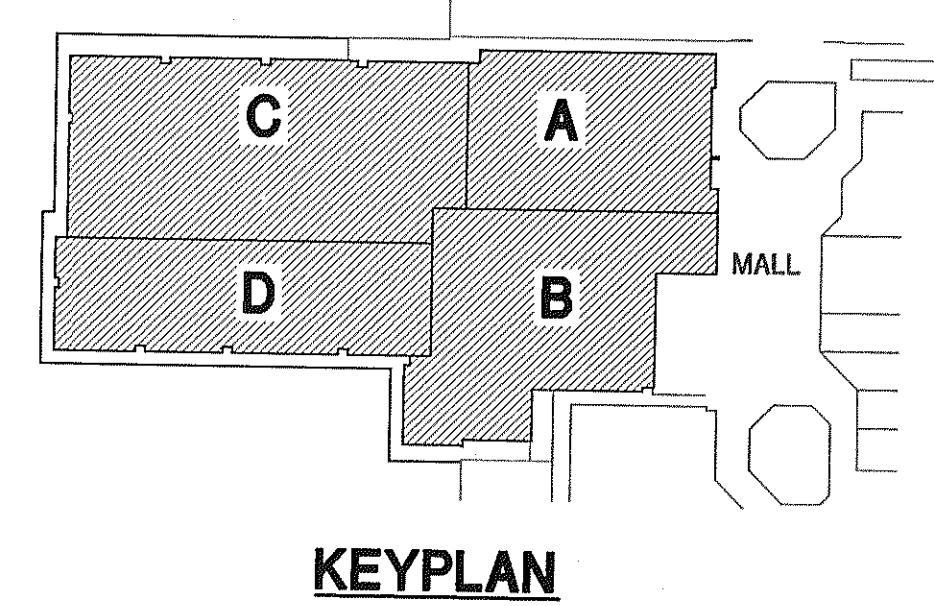


THEATRE SEATING MATRIX				
THEATRE	SEATS	H/C	SPACES	TOTAL SEAT SPACING
THEATRE #1	132	5	131	22", 25"
THEATRE #2	104	5	103	22", 25"
THEATRE #3	126	5	125	22", 25"
THEATRE #4	121	5	120	22", 25"
THEATRE #5	141	5	140	22", 25"
THEATRE #6	121	5	120	22", 25"
THEATRE #7	132	5	131	22", 25"
THEATRE #8	143	5	142	22", 25"
THEATRE #9	244	6	243	22", 25"
THEATRE #10	244	6	243	22", 25"
THEATRE #11	230	6	229	22", 25"
THEATRE #12	286	6	285	22", 25"

CURVED ROW, STRAIGHT ROW



1
A1.1 **MAIN LEVEL FLOOR PLAN**
SCALE: 1/16" = 1'-0"



NOTES:
THEATRE SEATS ARE 25" WIDE ABOVE CROSS AISLE AND 22" WIDE BELOW CROSS AISLE
PLATFORM WIDTHS - 48" o.c.

Project Data	
SCREENS	12
SEATS	2,071 SEATS
SQUARE FOOTAGE	53,563 SQ. FT.
EFFICIENCY RATIO	25.74 SQ. FT. PER PERSON

David W. Breedlove

11-02-10

ACCESSIBILITY WAIVER APPLICATION

MAIN LEVEL FLOOR PLAN

11-01-10

COBB COUNTRYSIDE 12

FLORIDA
CLEARWATER

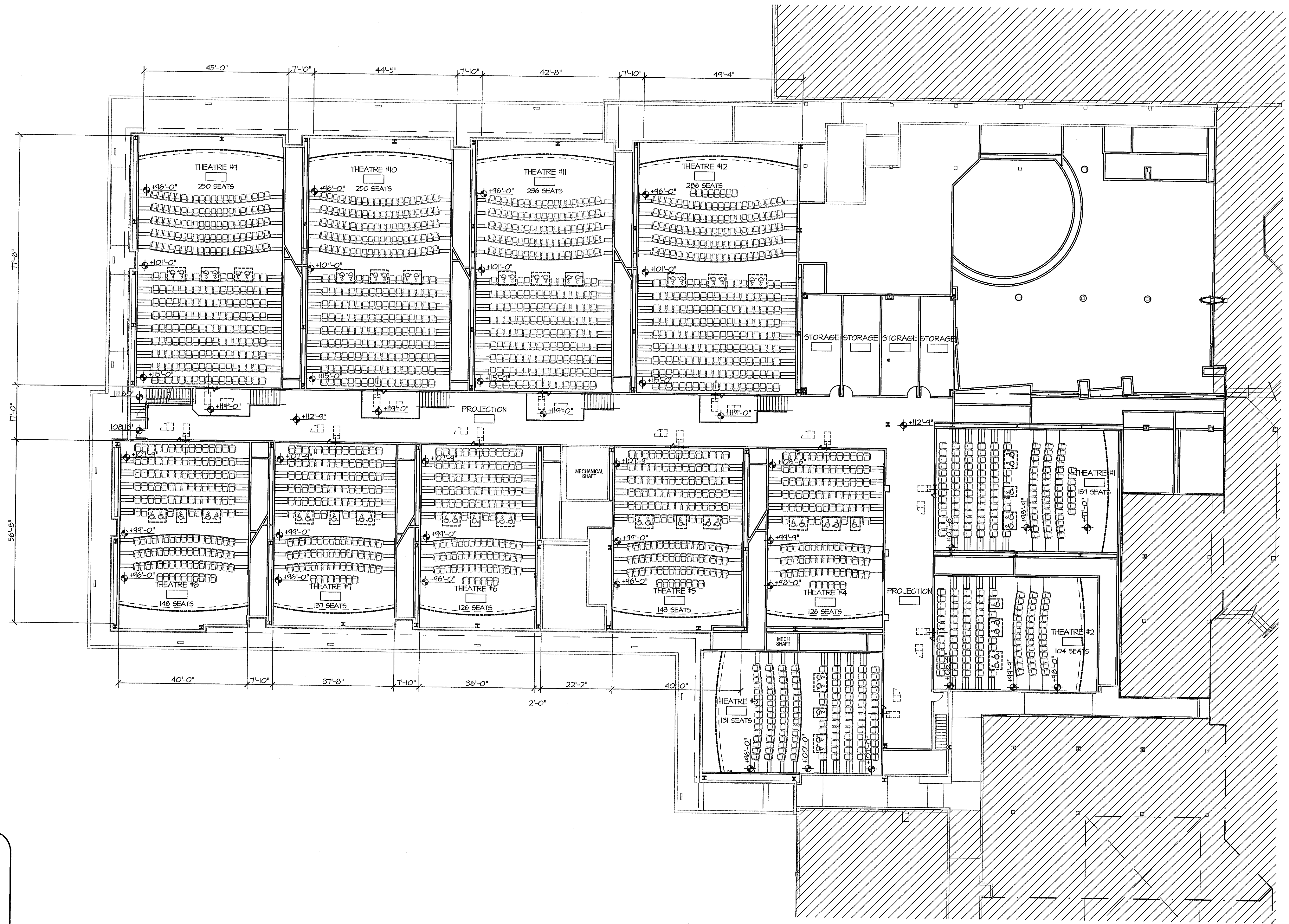


A1.1

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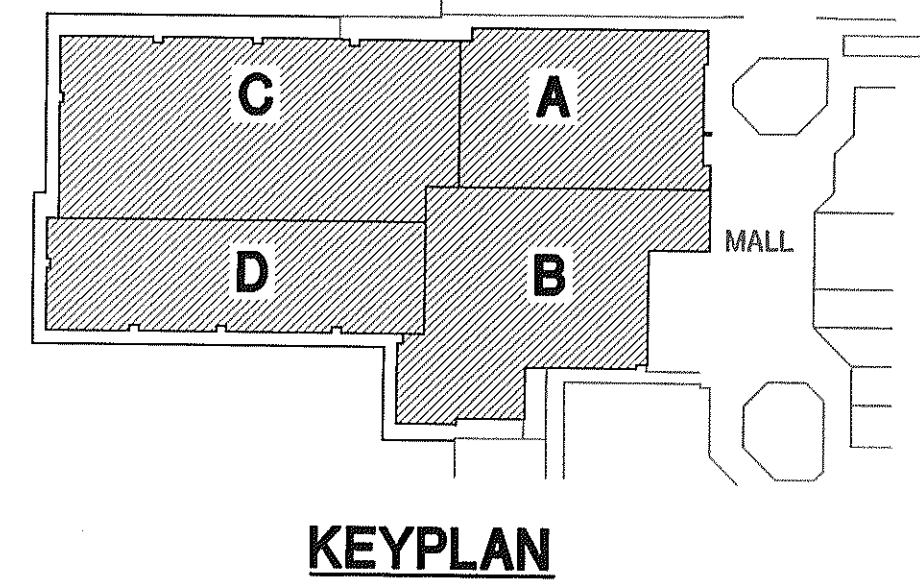
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THEATRE SEATING MATRIX				
THEATRE	SEATS	H/C	SPACES	TOTAL SEAT SPACING
THEATRE #1	104	5	137	22', 25"
THEATRE #2	151	5	104	22', 25"
THEATRE #3	126	5	131	22', 25"
THEATRE #4	121	5	126	22', 25"
THEATRE #5	141	5	146	22', 25"
THEATRE #6	121	5	126	22', 25"
THEATRE #7	132	5	137	22', 25"
THEATRE #8	143	5	148	22', 25"
THEATRE #9	244	6	250	22', 25"
THEATRE #10	244	6	250	22', 25"
THEATRE #11	230	6	236	22', 25"
THEATRE #12	280	6	286	22', 25"

CURVED ROW, STRAIGHT ROW

1 PROJECTION LEVEL FLOOR PLAN
 A1.6 SCALE: 1/16" = 1'-0"



David W. Breedlove
 11-02-10

ACCESSIBILITY WAIVER APPLICATION

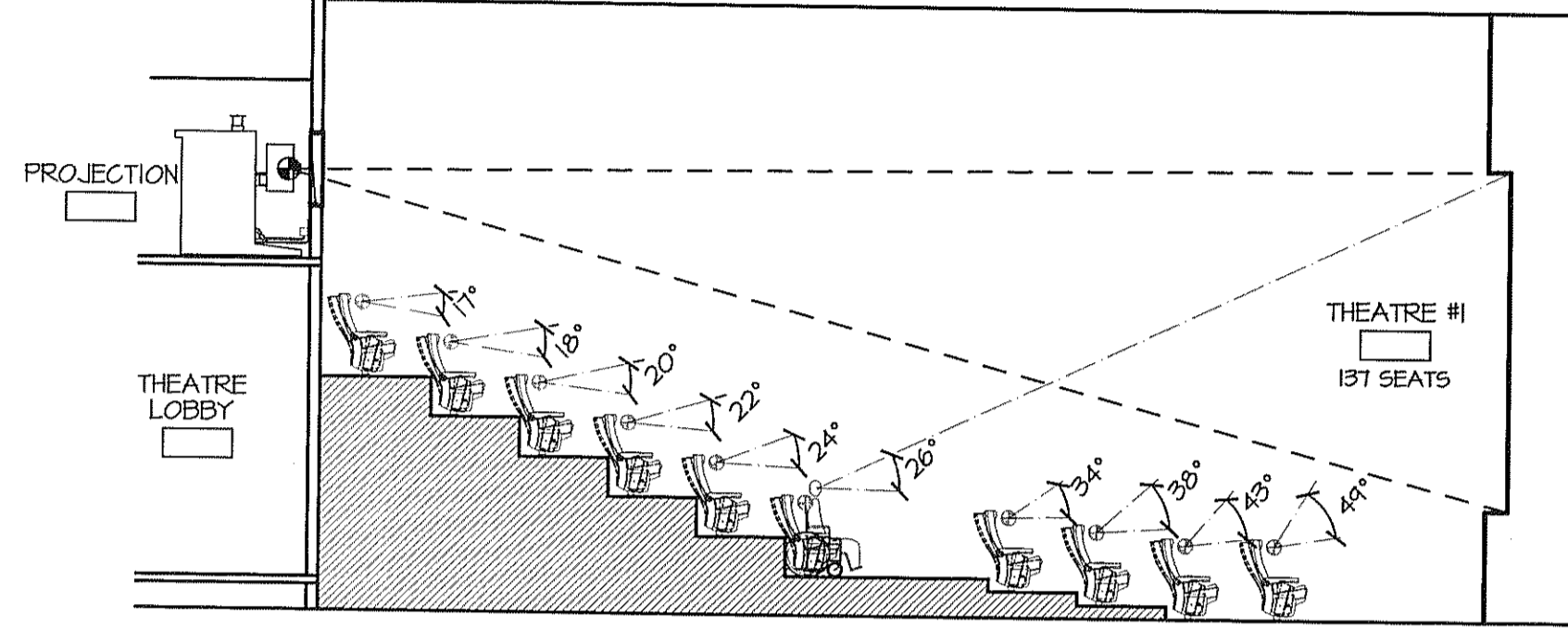
PROJECTION LEVEL FLOOR PLAN

COBB COUNTRYSIDE 12
 11-01-10
 09-1091
 CLEARWATER, FLORIDA

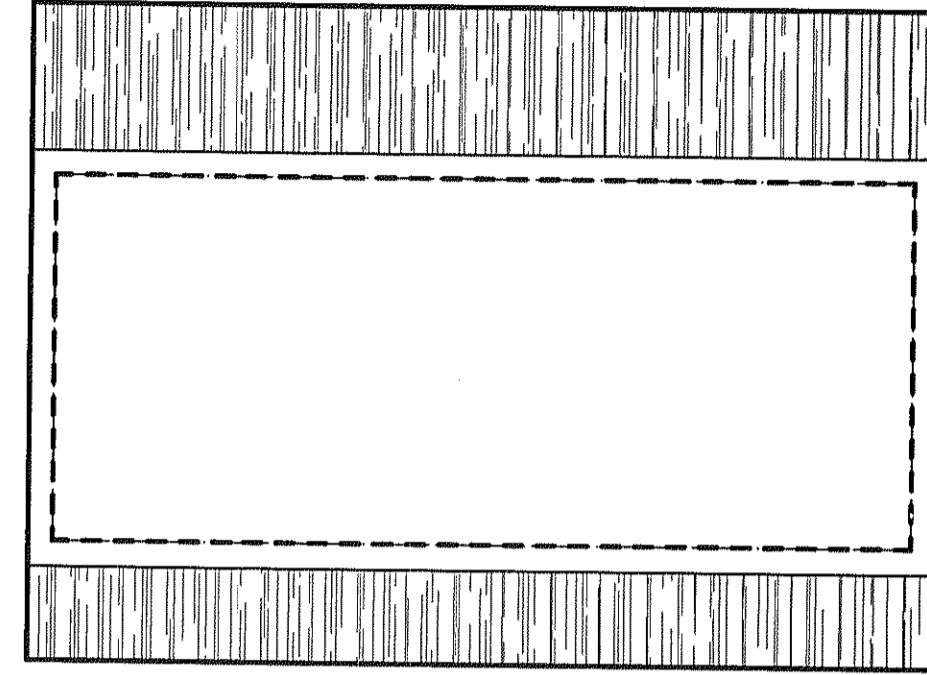
A1.6

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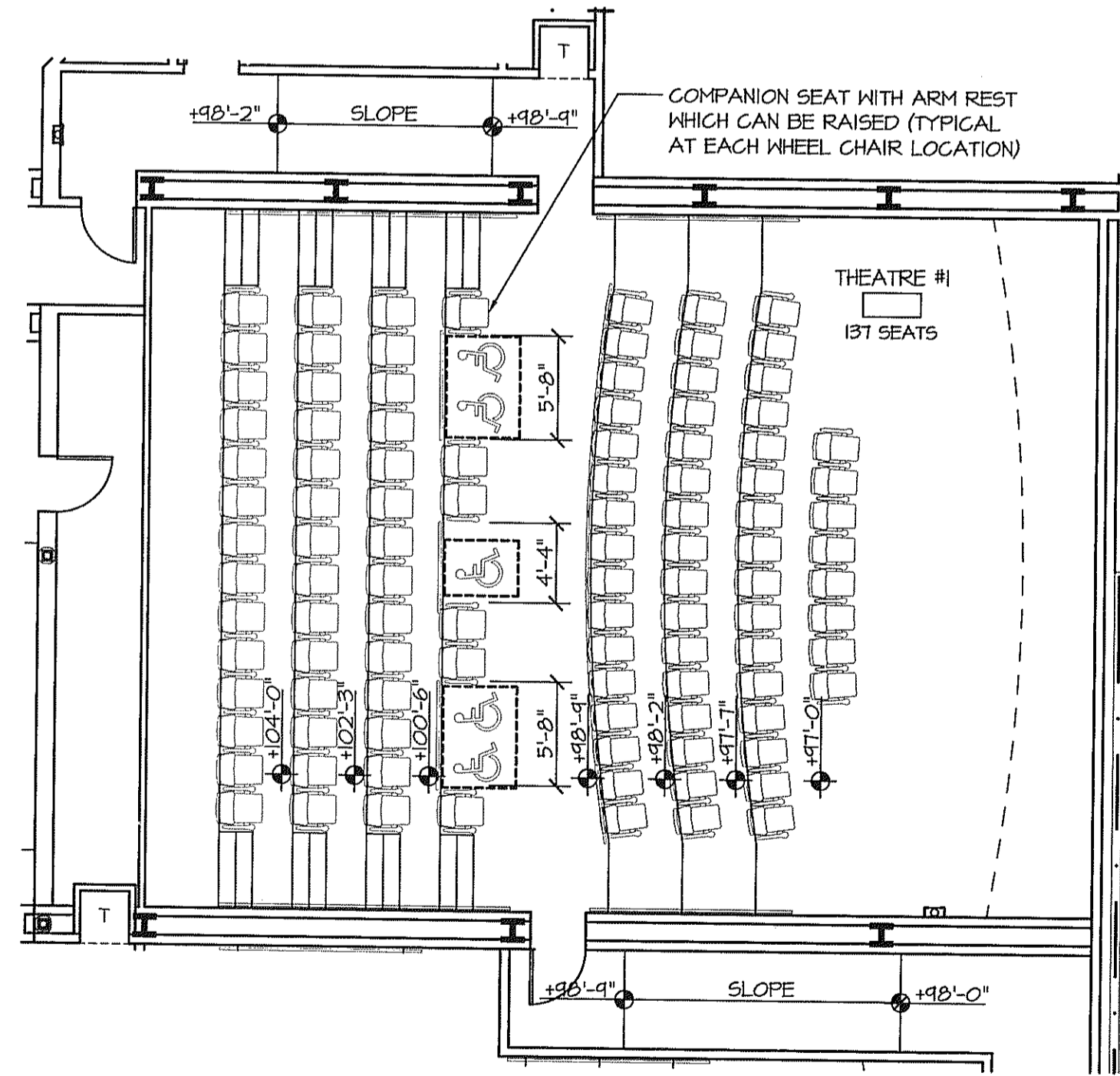
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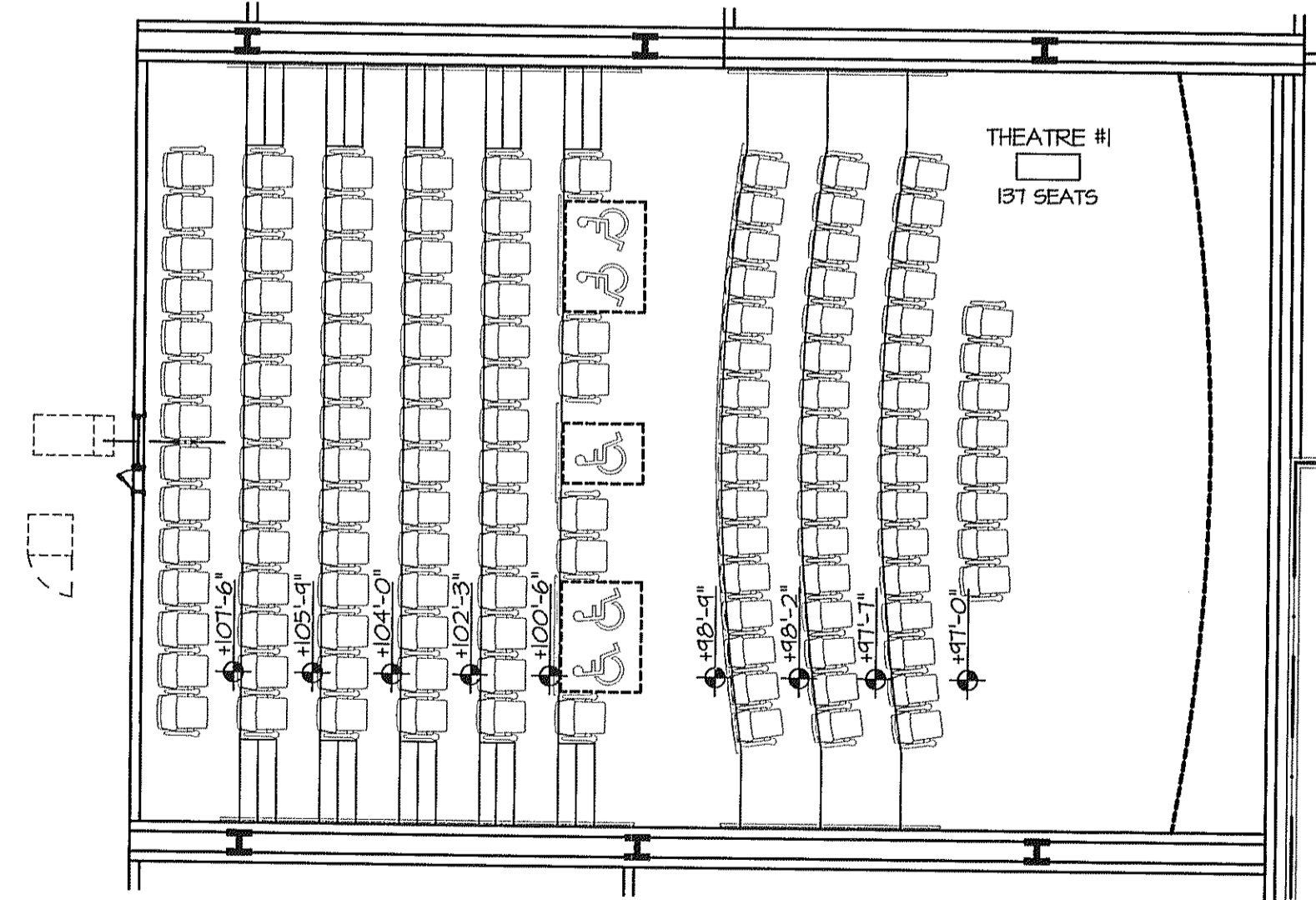
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SCALE: 1/8"=1'-0"



B
A7.1 **SCREEN ELEVATION**
SCALE: 1/8"=1'-0"



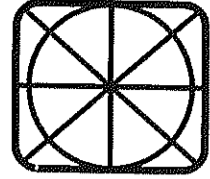
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A7.1 **MAIN LEVEL FLOOR PLAN**
SCALE: 1/8"=1'-0"



2
A7.1 **UPPER LEVEL FLOOR PLAN**
SCALE: 1/8"=1'-0"

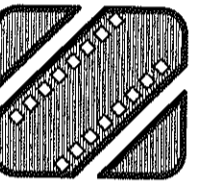
David W. Breedlove
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ACCESSIBILITY WAIVER APPLICATION



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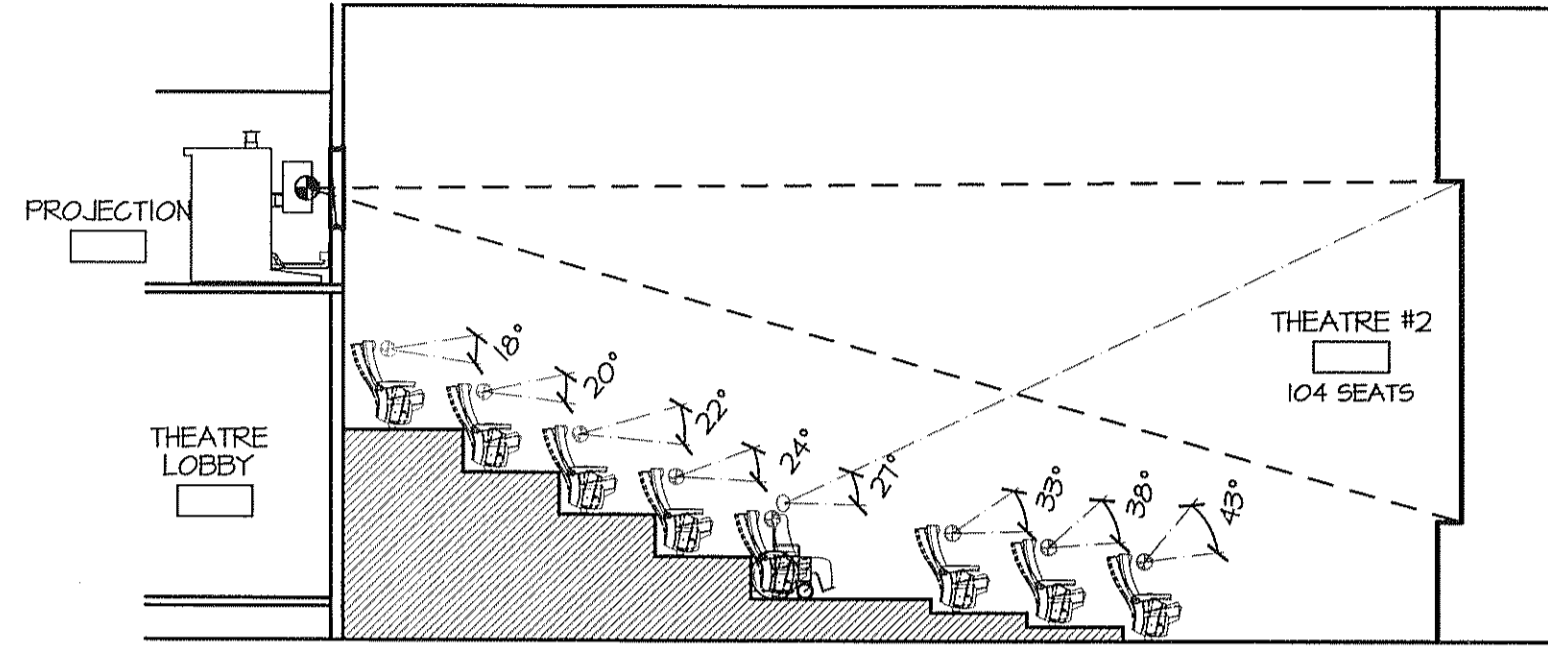
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PLANS AND SECTION

11-01-10
09-1091

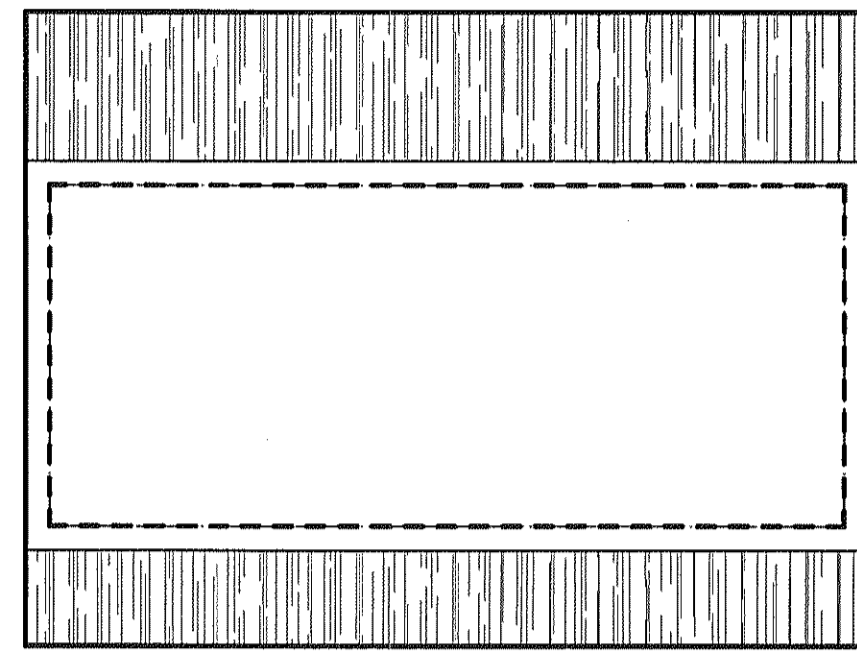
COBB COUNTRYSIDE 12
CLEARWATER, FLORIDA



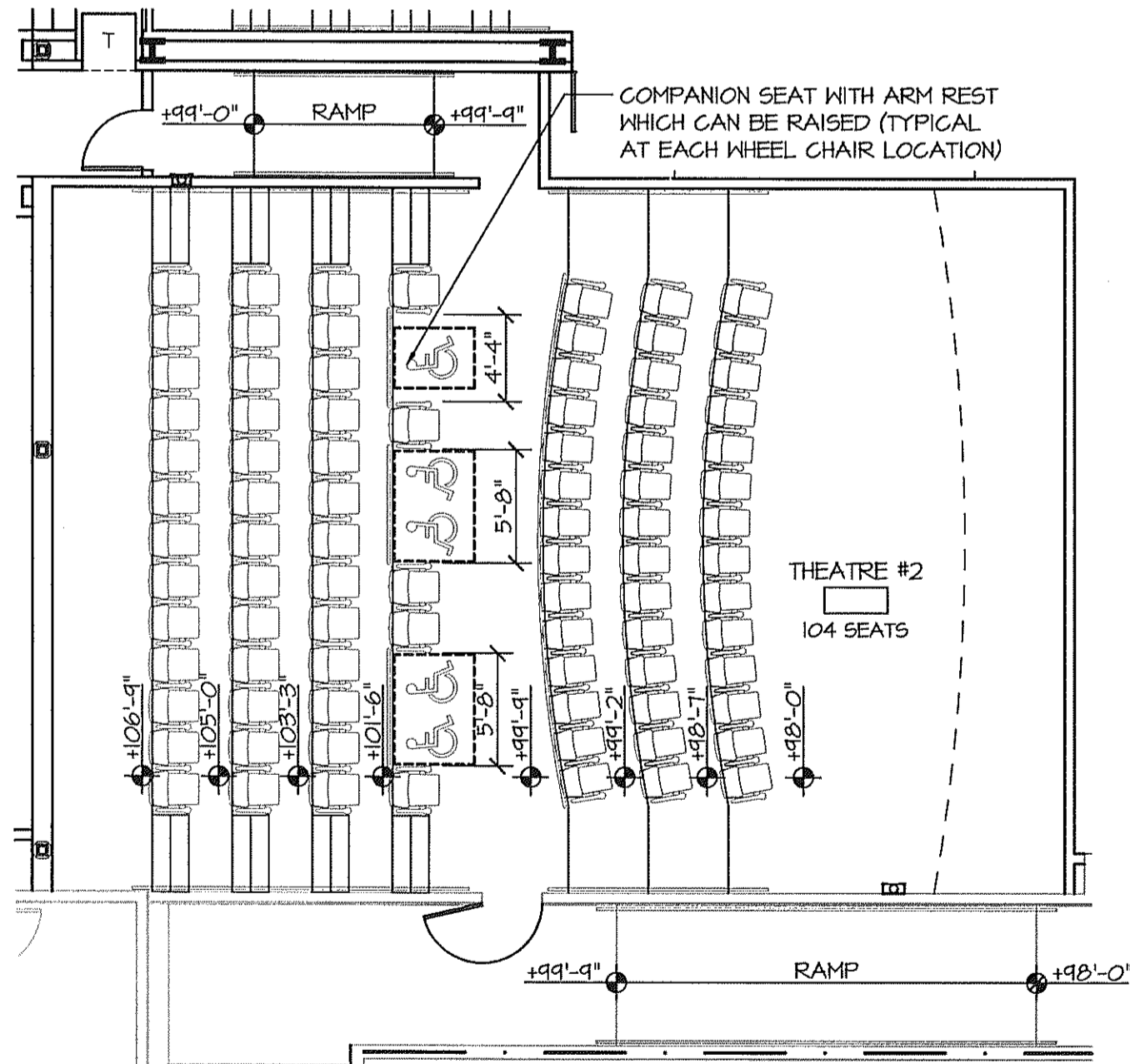
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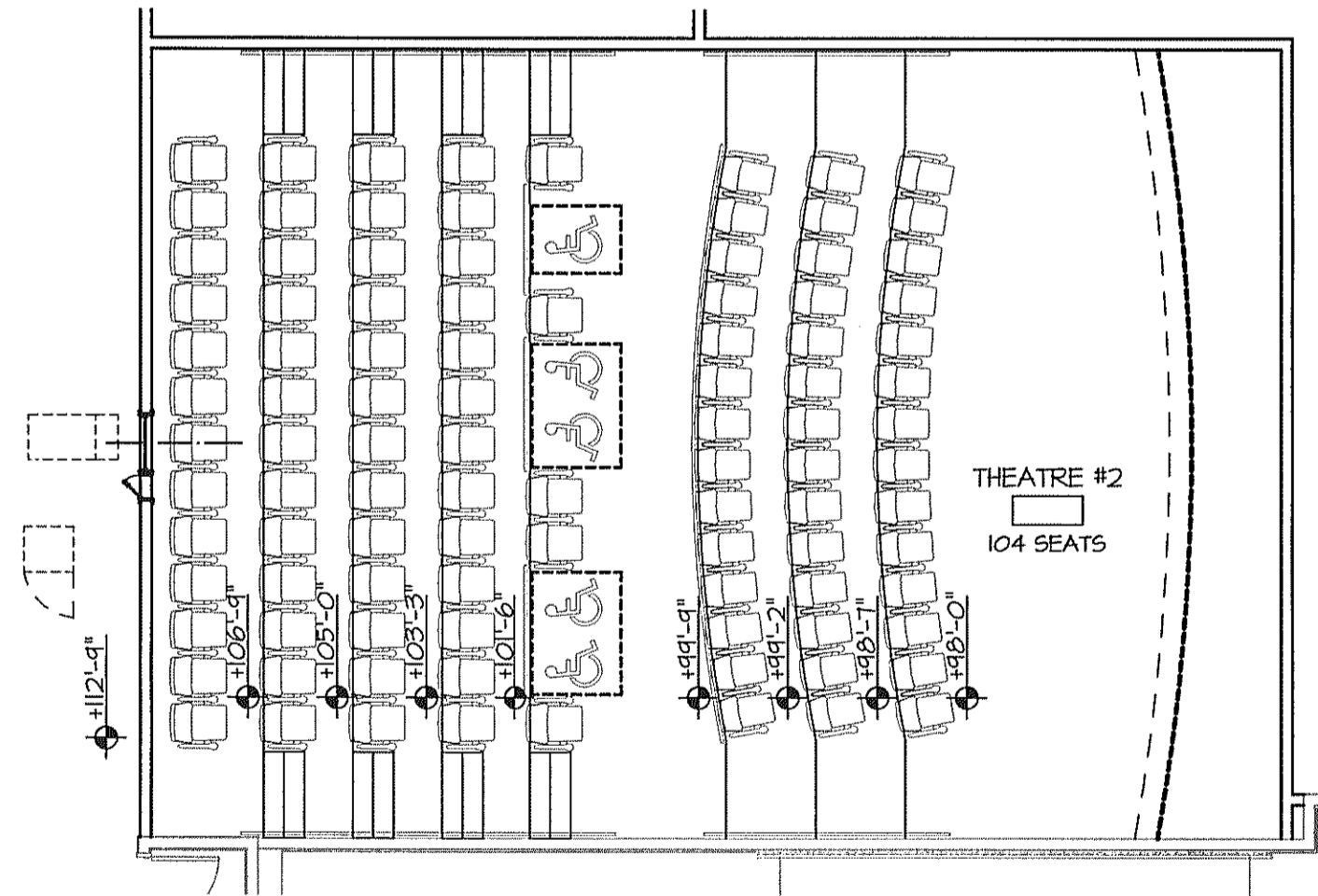
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A7.2 THEATRE CROSS SECTION
SCALE: 1/8"=1'-0"



B
A7.2 SCREEN ELEVATION
SCALE: 1/8"=1'-0"



1
A7.2 MAIN LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"



2
A7.2 UPPER LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"

David W. Breedlove
11-02-10

ACCESSIBILITY WAIVER APPLICATION

A7.2



COBB COUNTRYSIDE 12
CLEARWATER, FLORIDA

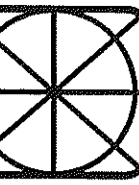
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THEATRE AUDITORIUM #2
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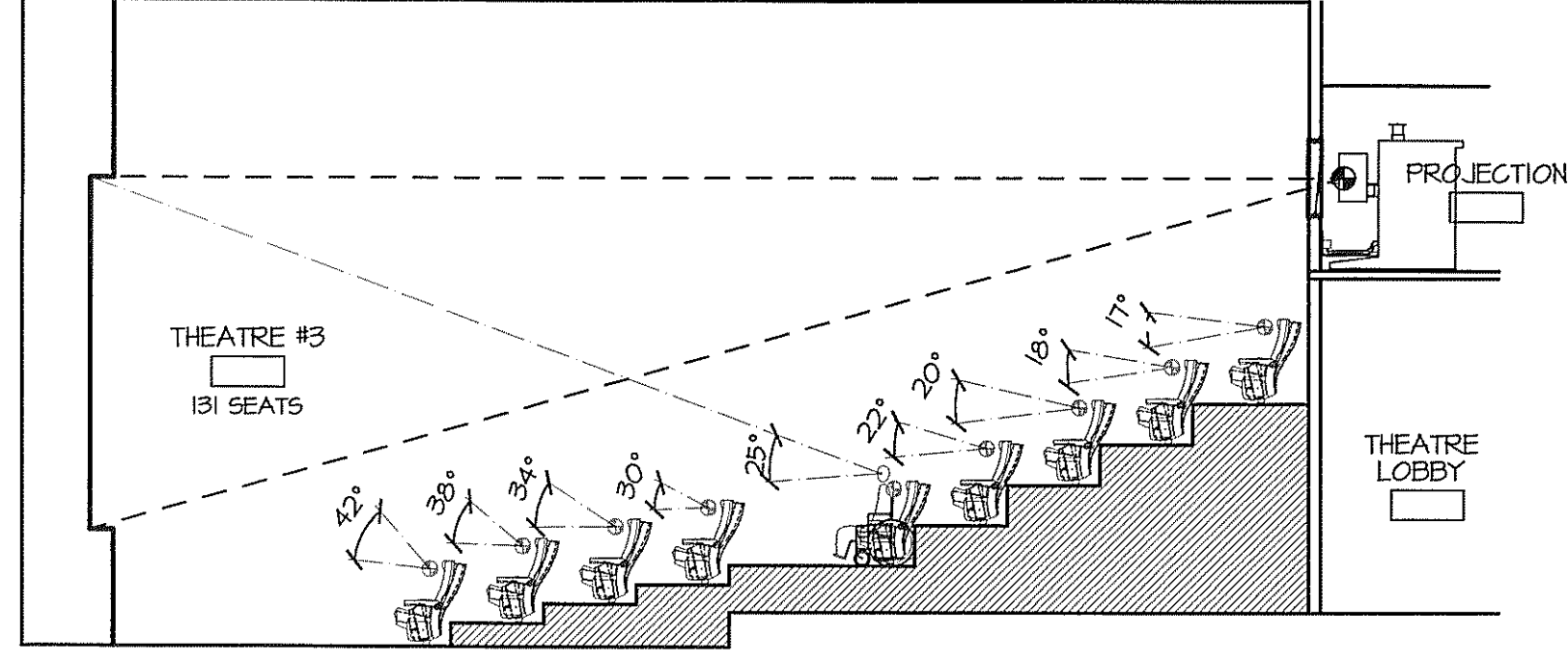


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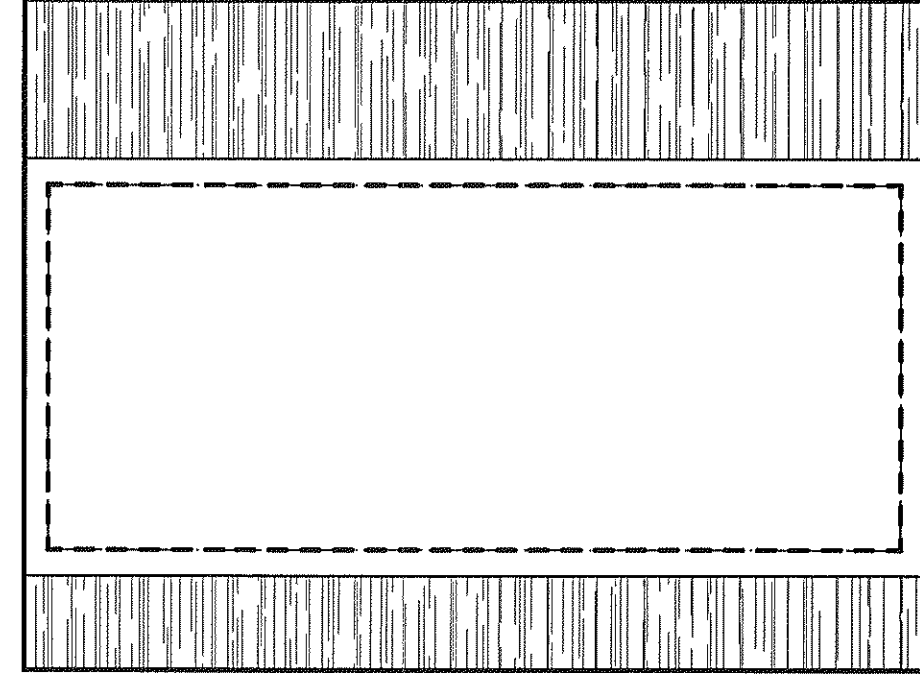
OFFICE # 205-879-5458
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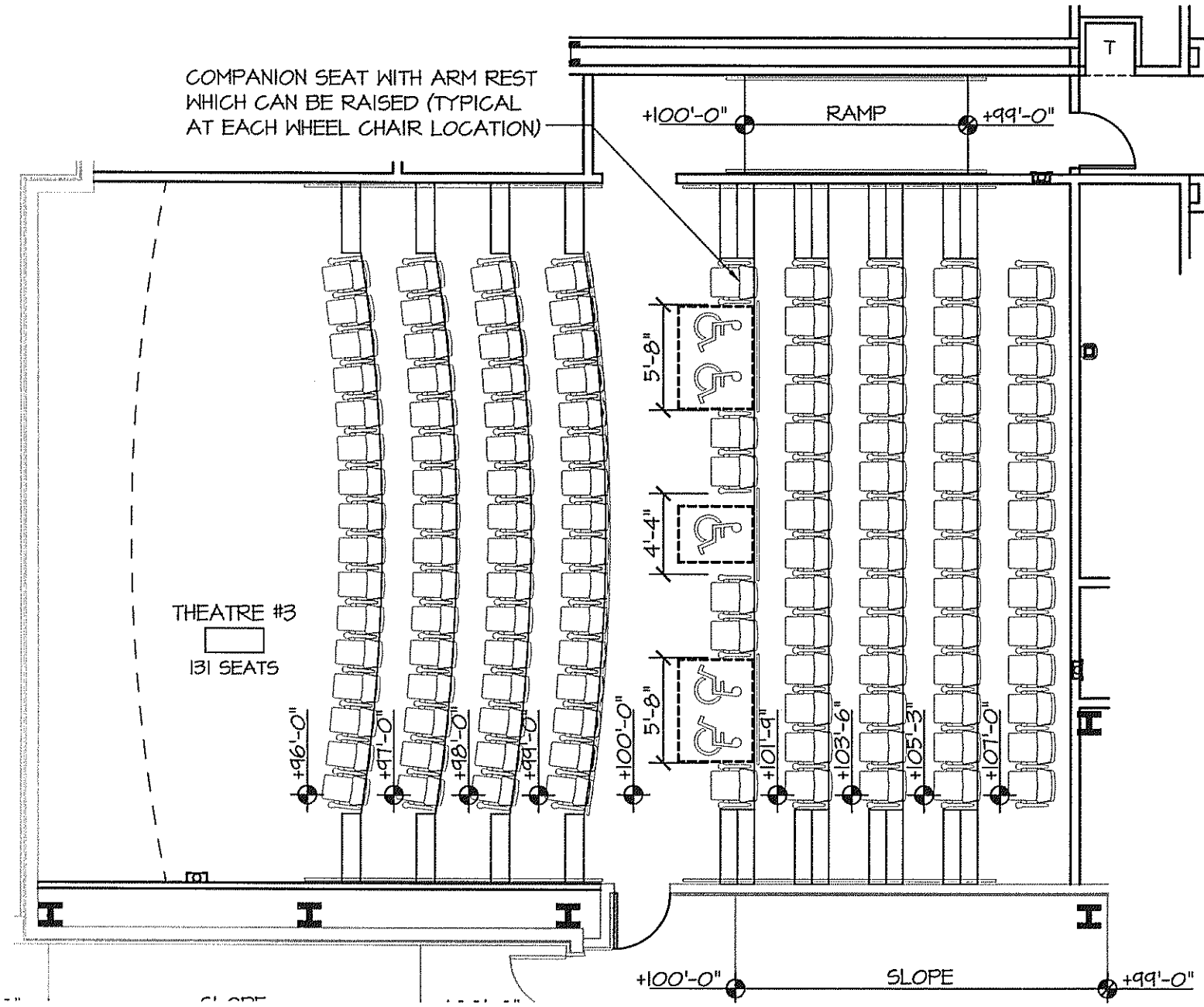
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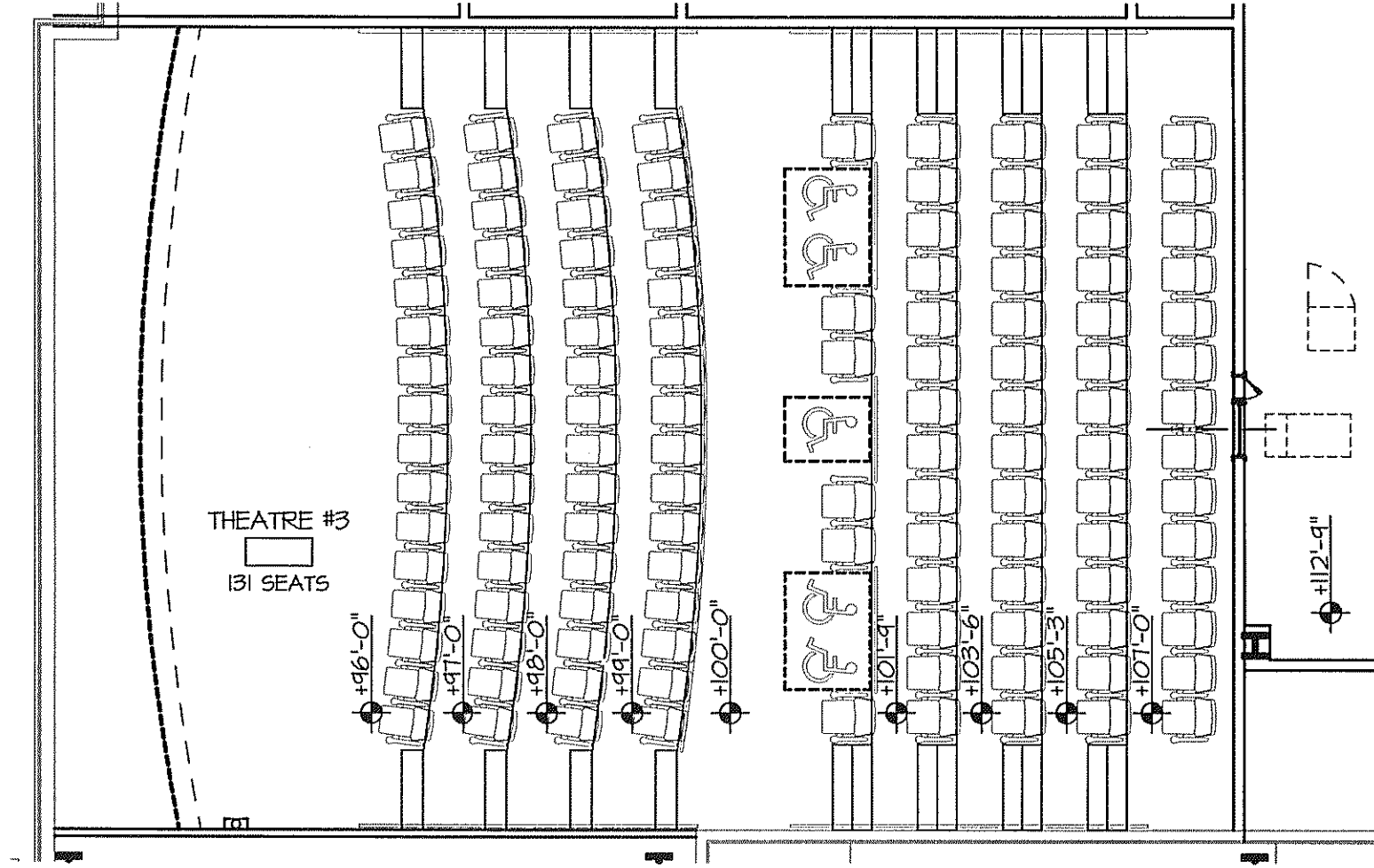
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A7.3 **THEATRE CROSS SECTION**
SCALE: 1/8"=1'-0"



B
A7.3 **SCREEN ELEVATION**
SCALE: 1/8"=1'-0"



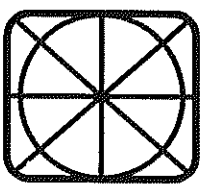
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A7.3 **MAIN LEVEL FLOOR PLAN**
SCALE: 1/8"=1'-0"



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A7.3 **UPPER LEVEL FLOOR PLAN**
SCALE: 1/8"=1'-0"

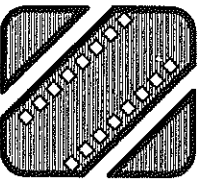
David W. Breedlove
11-02-10

ACCESSIBILITY WAIVER APPLICATION



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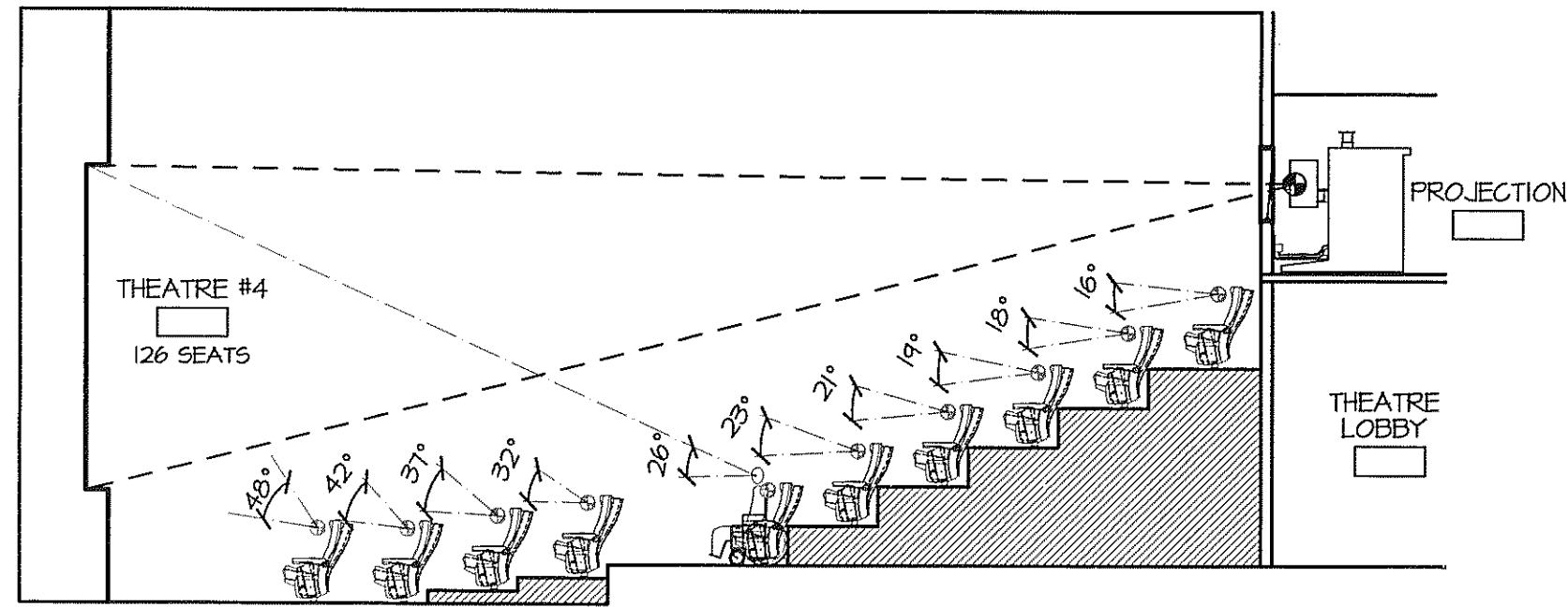
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PLANS AND SECTION

COBB COUNTRYSIDE 12 11-01-10
09-1091
CLEARWATER, FLORIDA

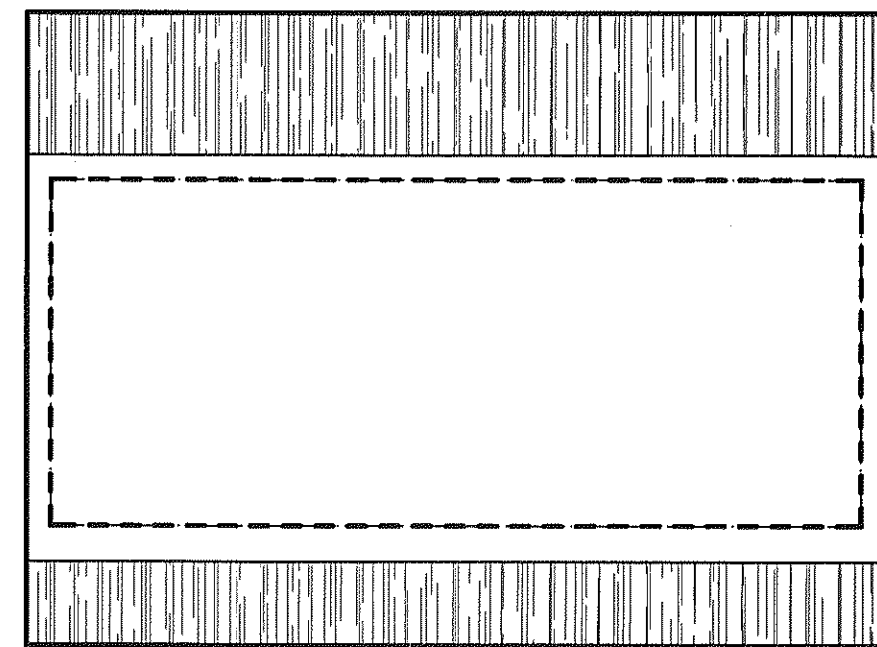


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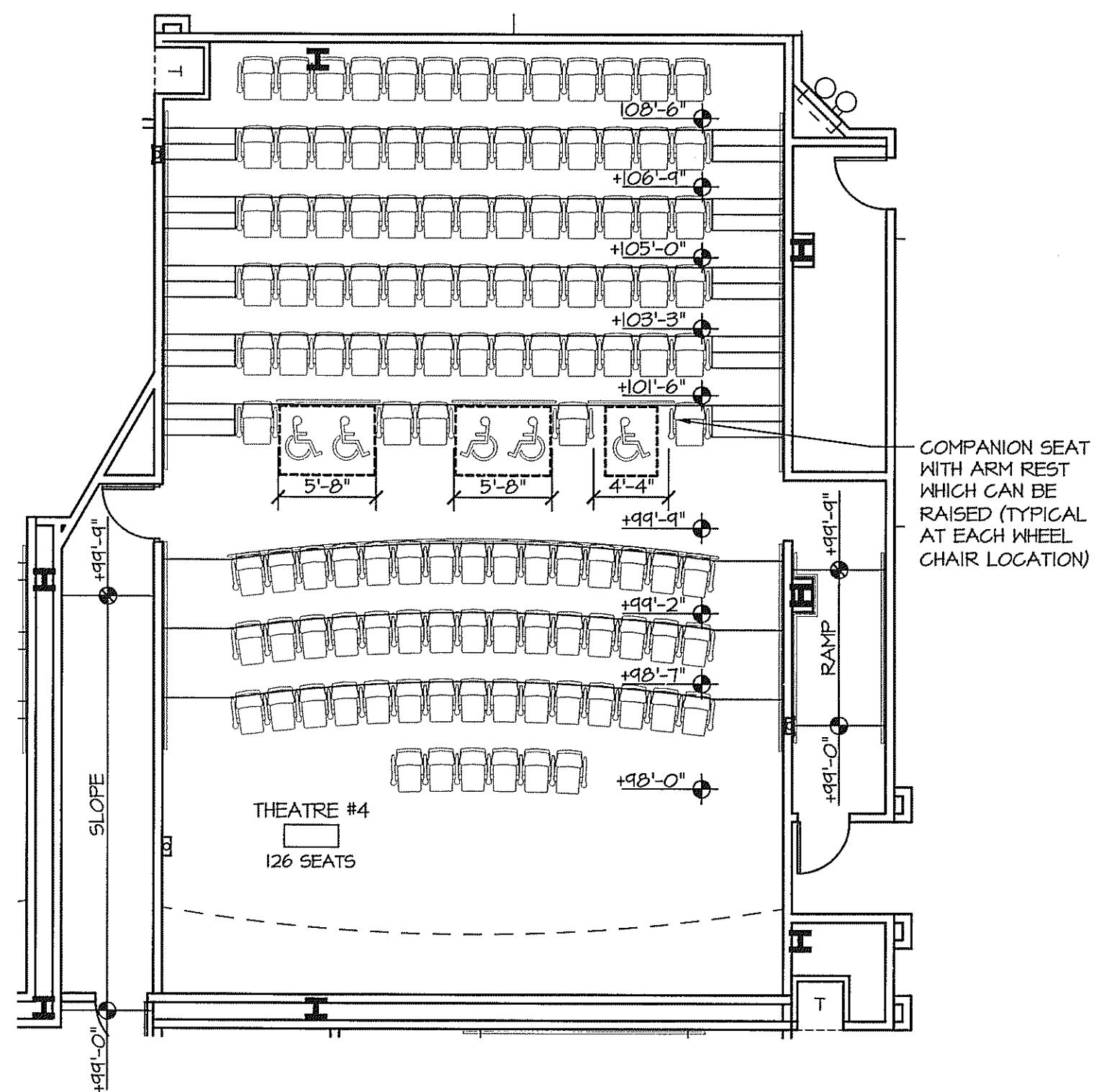
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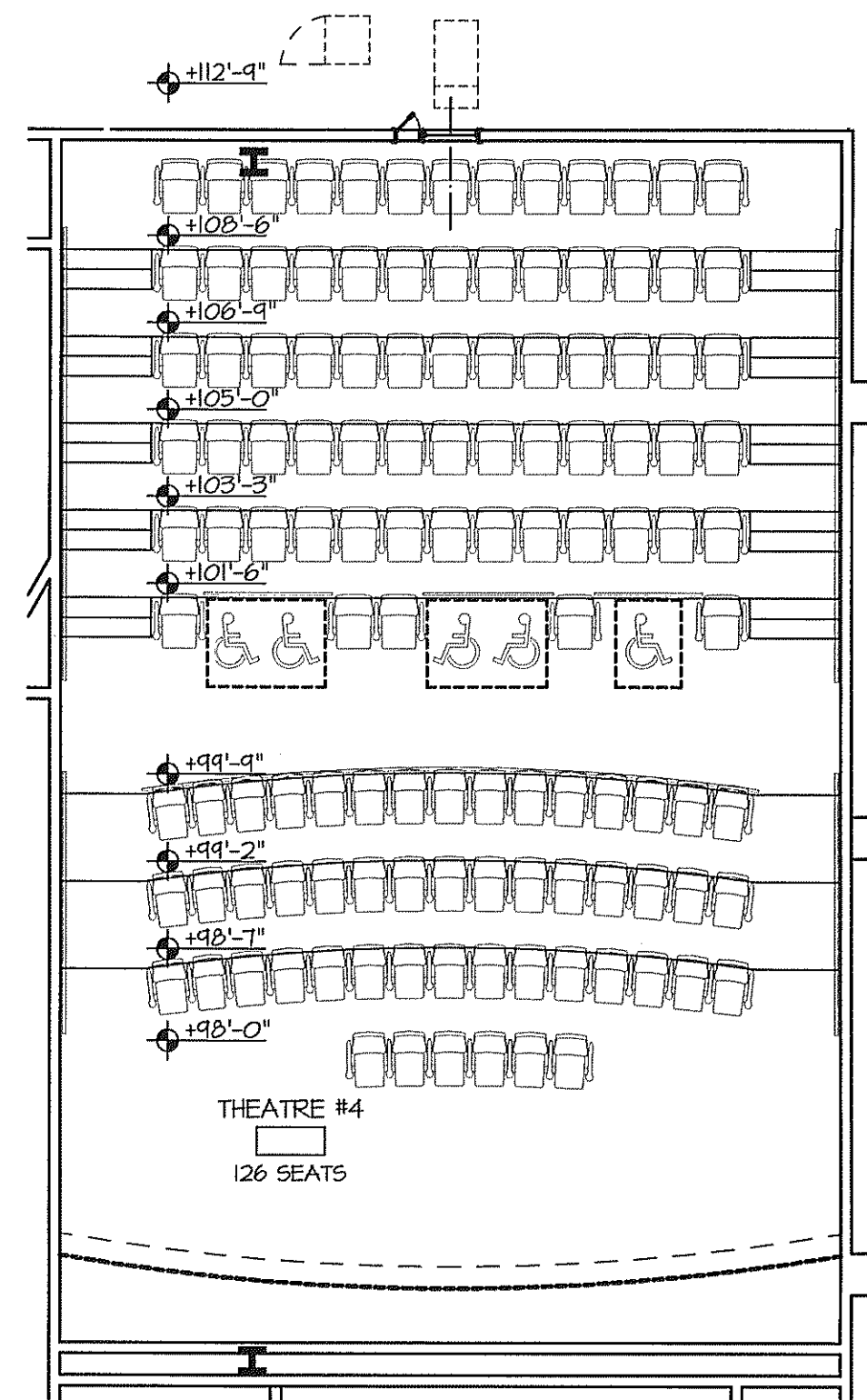
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SCALE: 1/8"=1'-0"



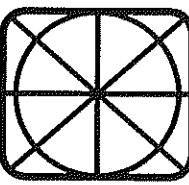
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A7.4 **UPPER LEVEL FLOOR PLAN**
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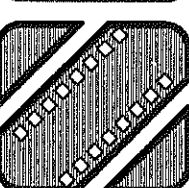
David W. Breedlove
11-02-10

ACCESSIBILITY WAIVER APPLICATION



OFFICE # 205-874-5458
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DAVID W. BREEDLOVE - ARCHITECT
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THEATRE AUDITORIUM #4
PLANS AND SECTION

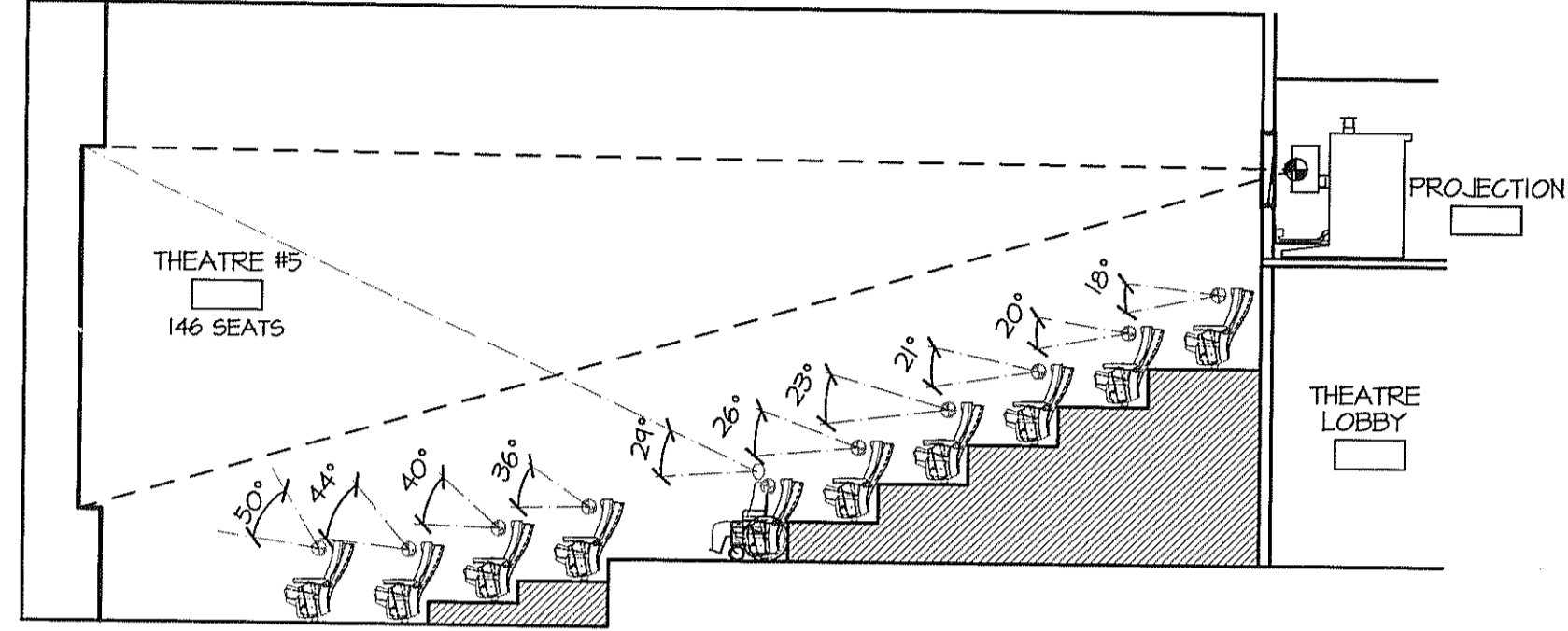
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COBB COUNTRYSIDE 12
CLEARWATER, FLORIDA

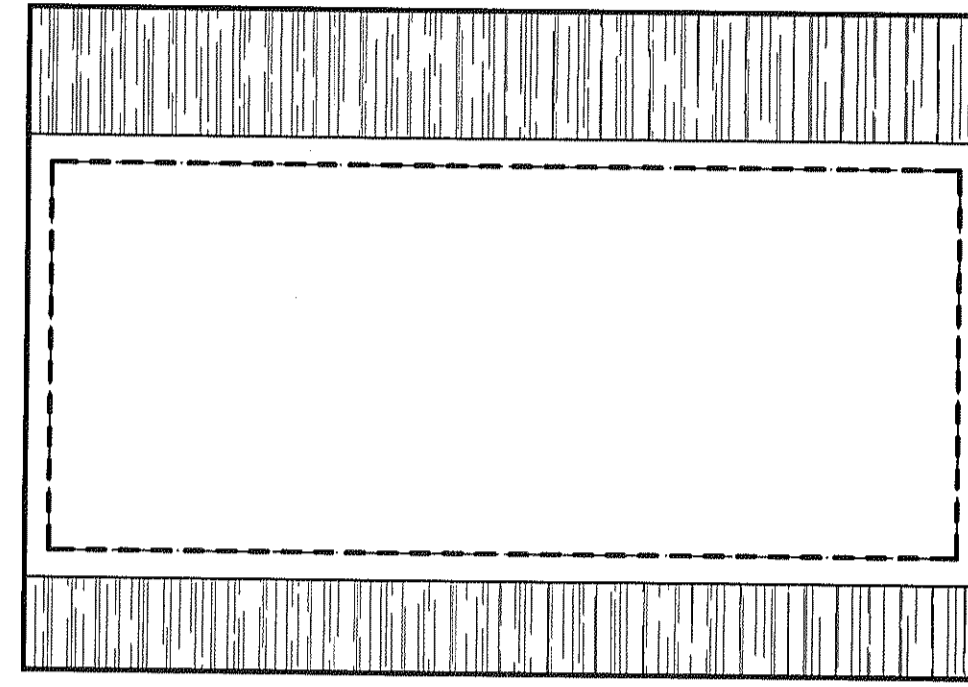


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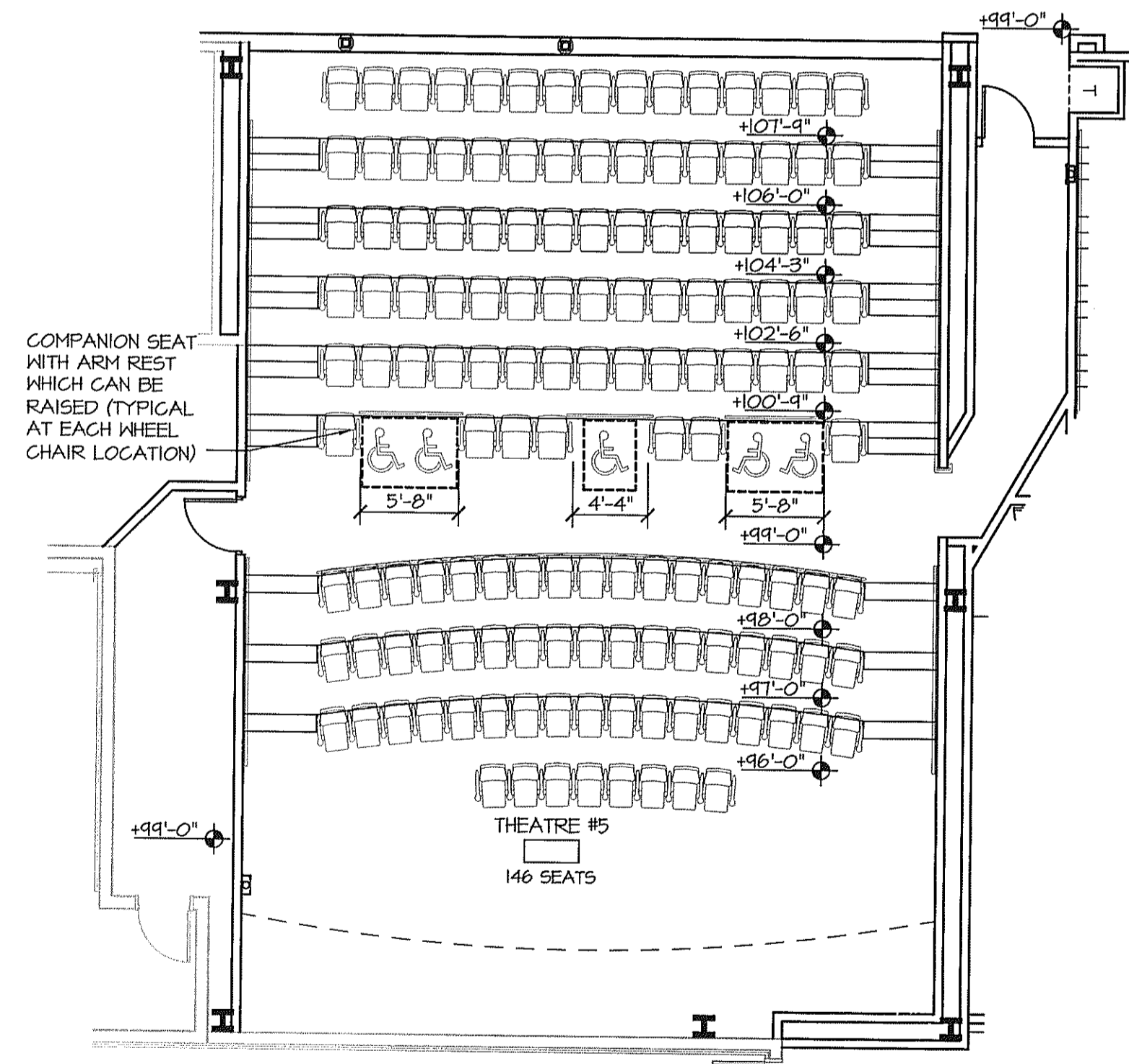
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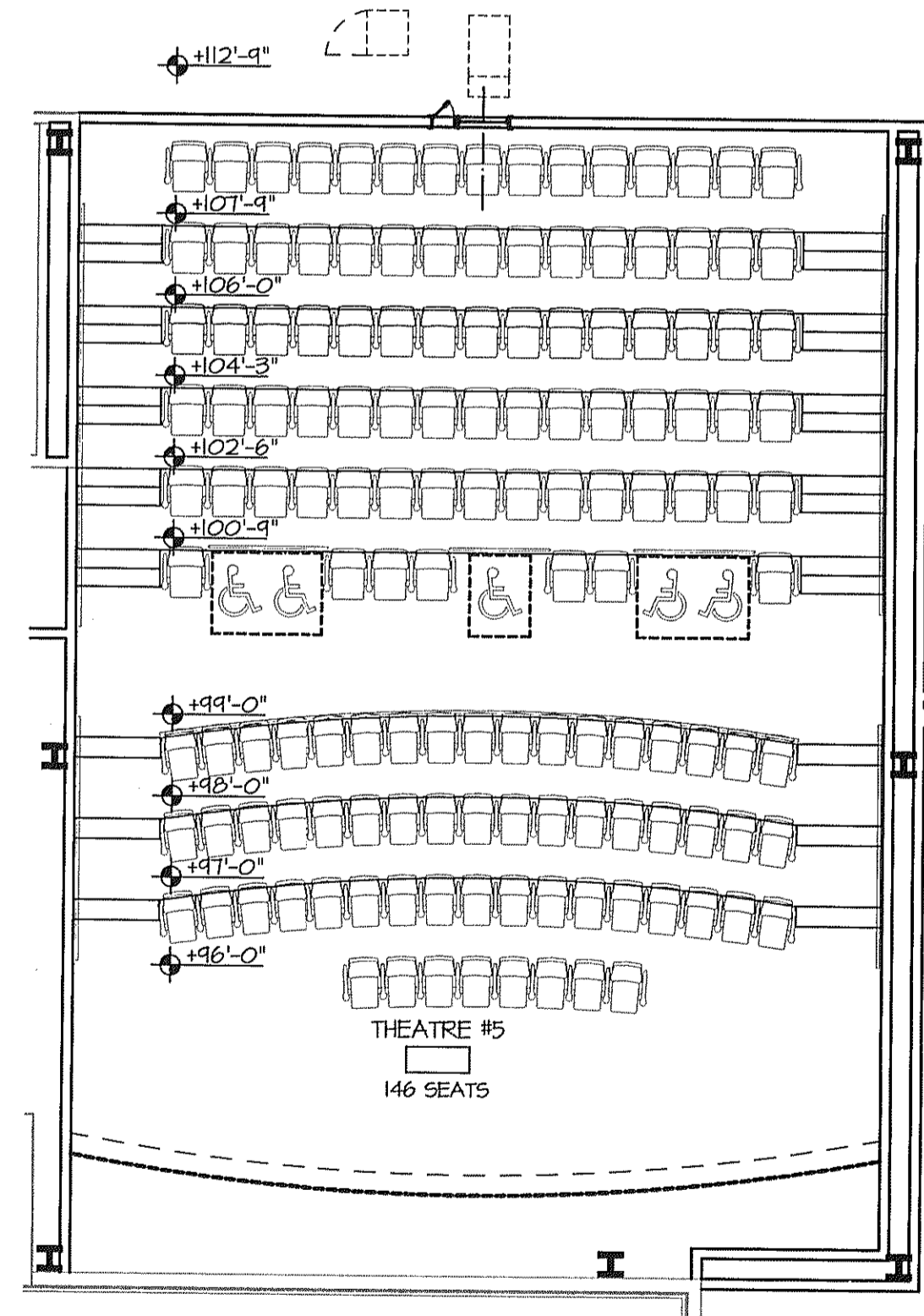
A **THEATRE CROSS SECTION**
A7.5 SCALE: 1/8"=1'-0"



B **SCREEN ELEVATION**
A7.5 SCALE: 1/8"=1'-0"



1 **MAIN LEVEL FLOOR PLAN**
A7.5 SCALE: 1/8"=1'-0"



2 **UPPER LEVEL FLOOR PLAN**
A7.5 SCALE: 1/8"=1'-0"

David W. Breedlove
11-02-10

ACCESSIBILITY WAIVER APPLICATION

THEATRE AUDITORIUM #5
PLANS AND SECTION

COBB COUNTRYSIDE 12
11-01-10
09-1091
FLORIDA
CLEARWATER

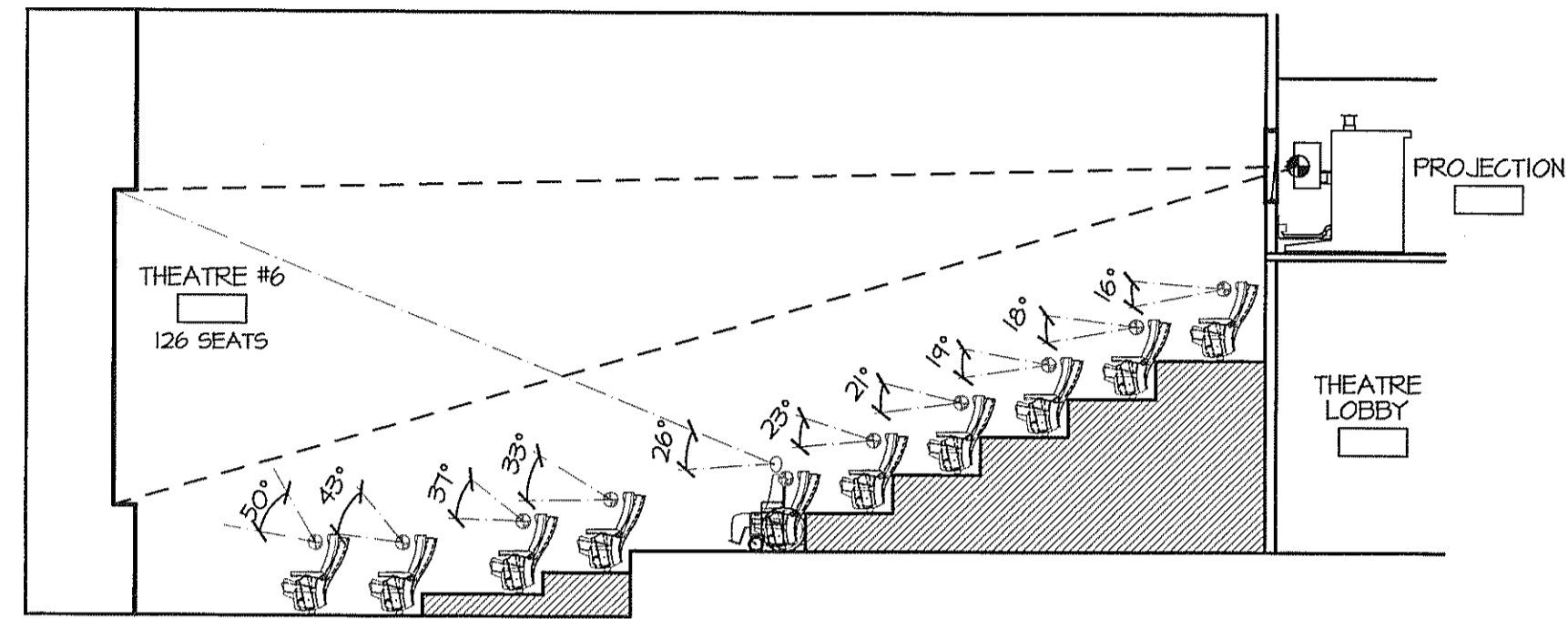


A7.5

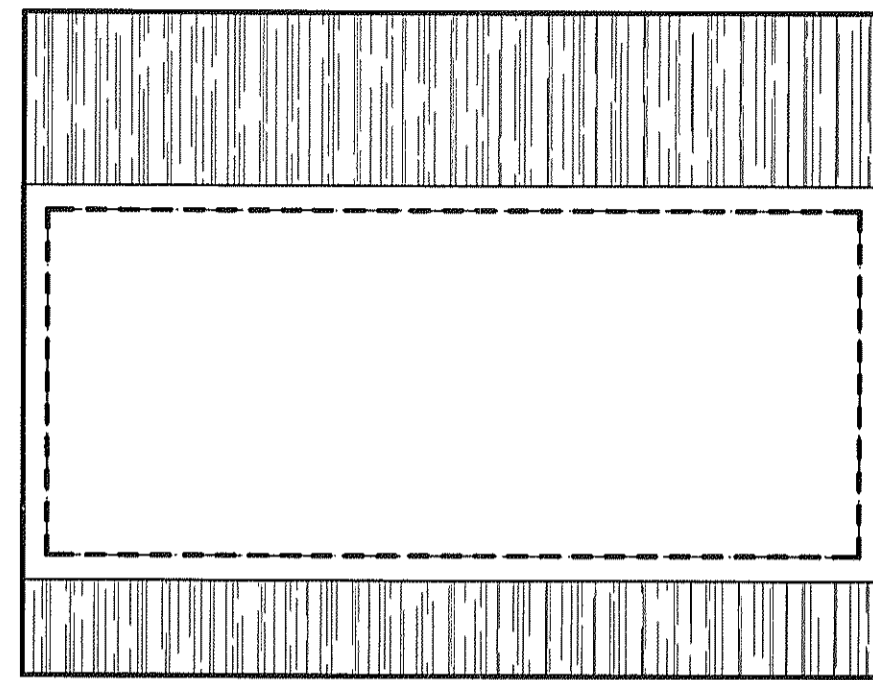
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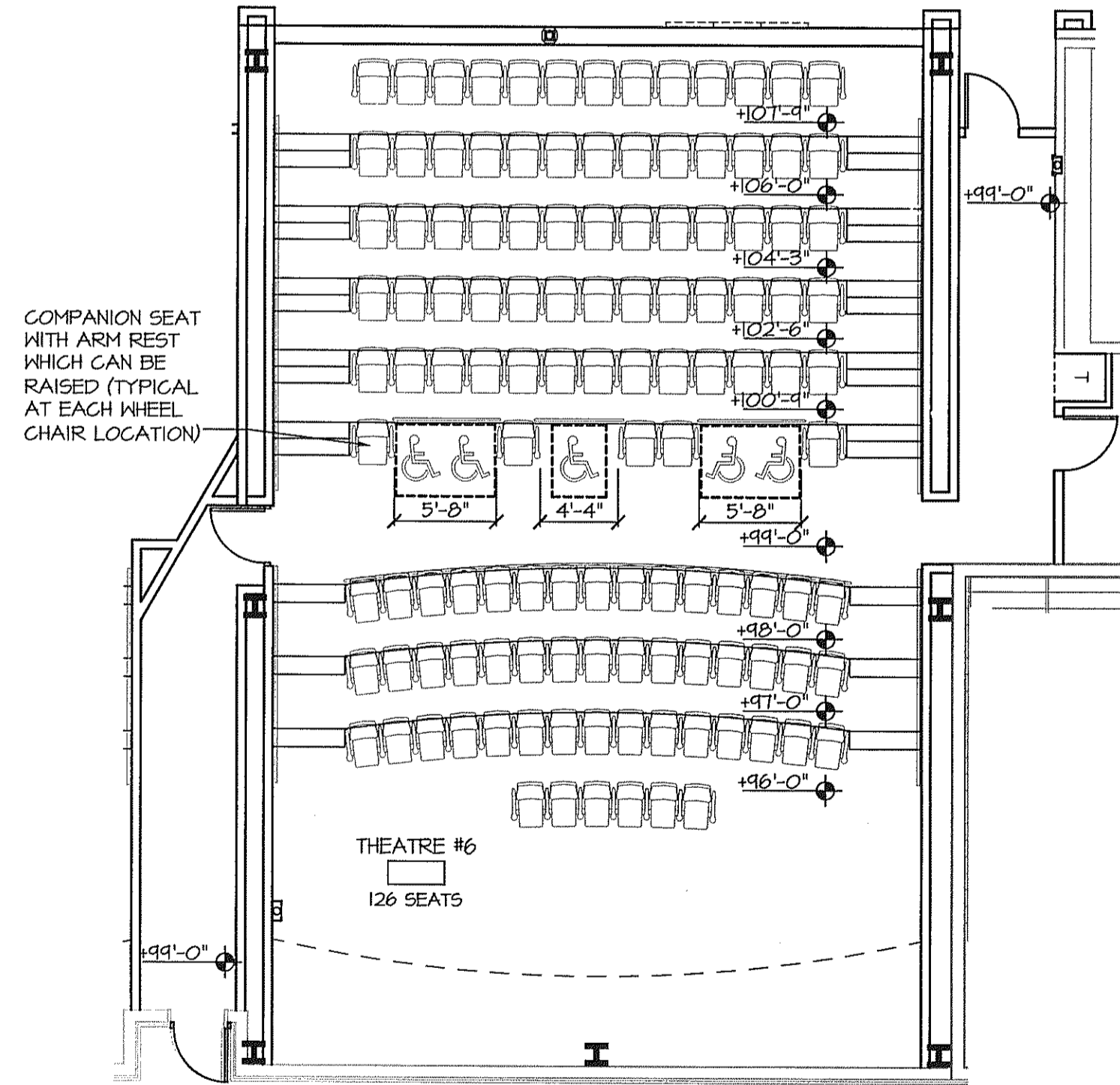
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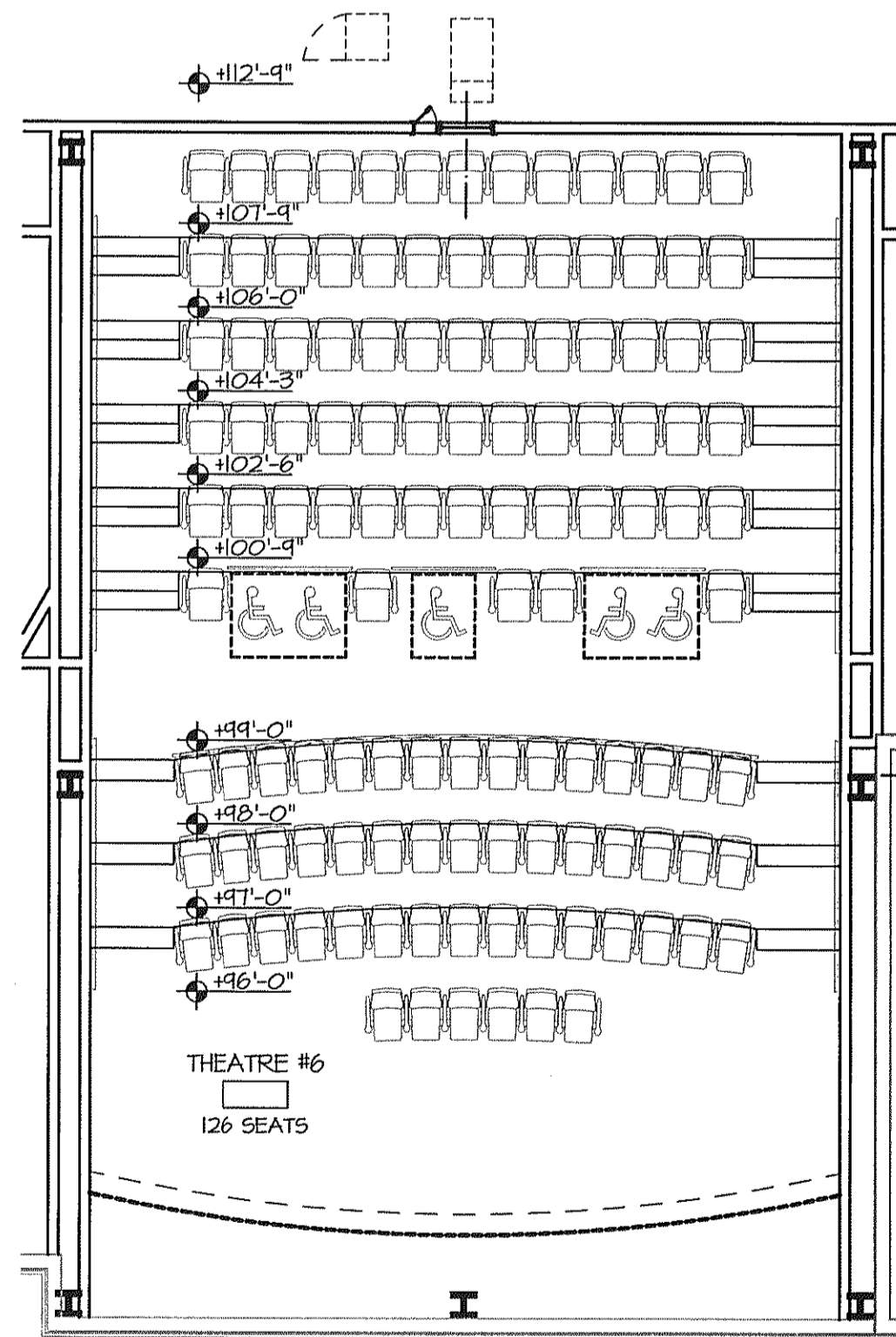
A
A7.6 **THEATRE CROSS SECTION**
SCALE: 1/8"=1'-0"



B
A7.6 **SCREEN ELEVATION**
SCALE: 1/8"=1'-0"



1
A7.6 **MAIN LEVEL FLOOR PLAN**
SCALE: 1/8"=1'-0"



2
A7.6 **UPPER LEVEL FLOOR PLAN**
SCALE: 1/8"=1'-0"

David B. Buehler
11-02-10

ACCESSIBILITY WAIVER APPLICATION

THEATRE AUDITORIUM #6
PLANS AND SECTION

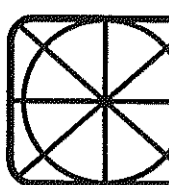
COBB COUNTRYSIDE 12
CLEARWATER, FLORIDA
11-01-10
09-1091



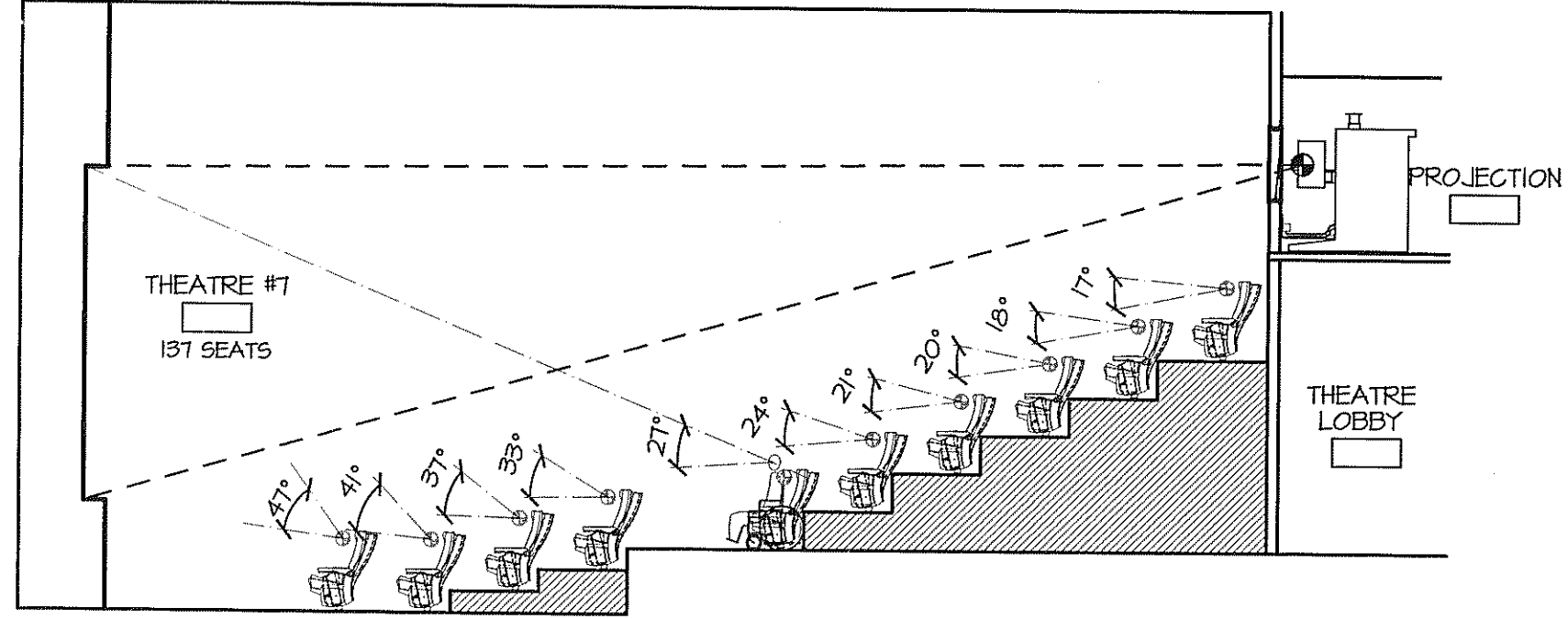
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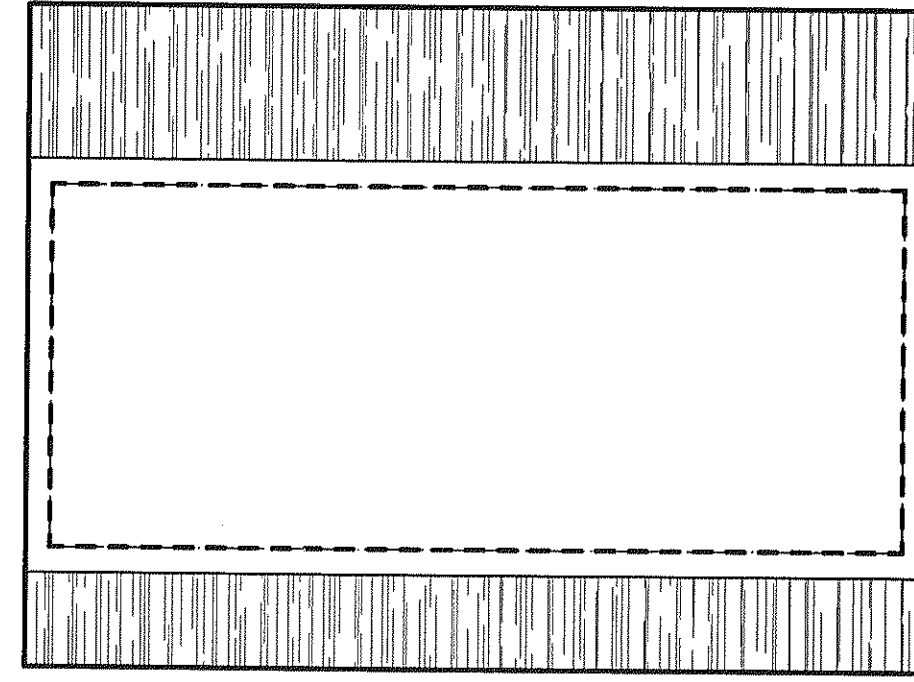
OFFICE # 205-874-5458
FAX # 205-874-5460
E-mail: david@dwbreedlove.com



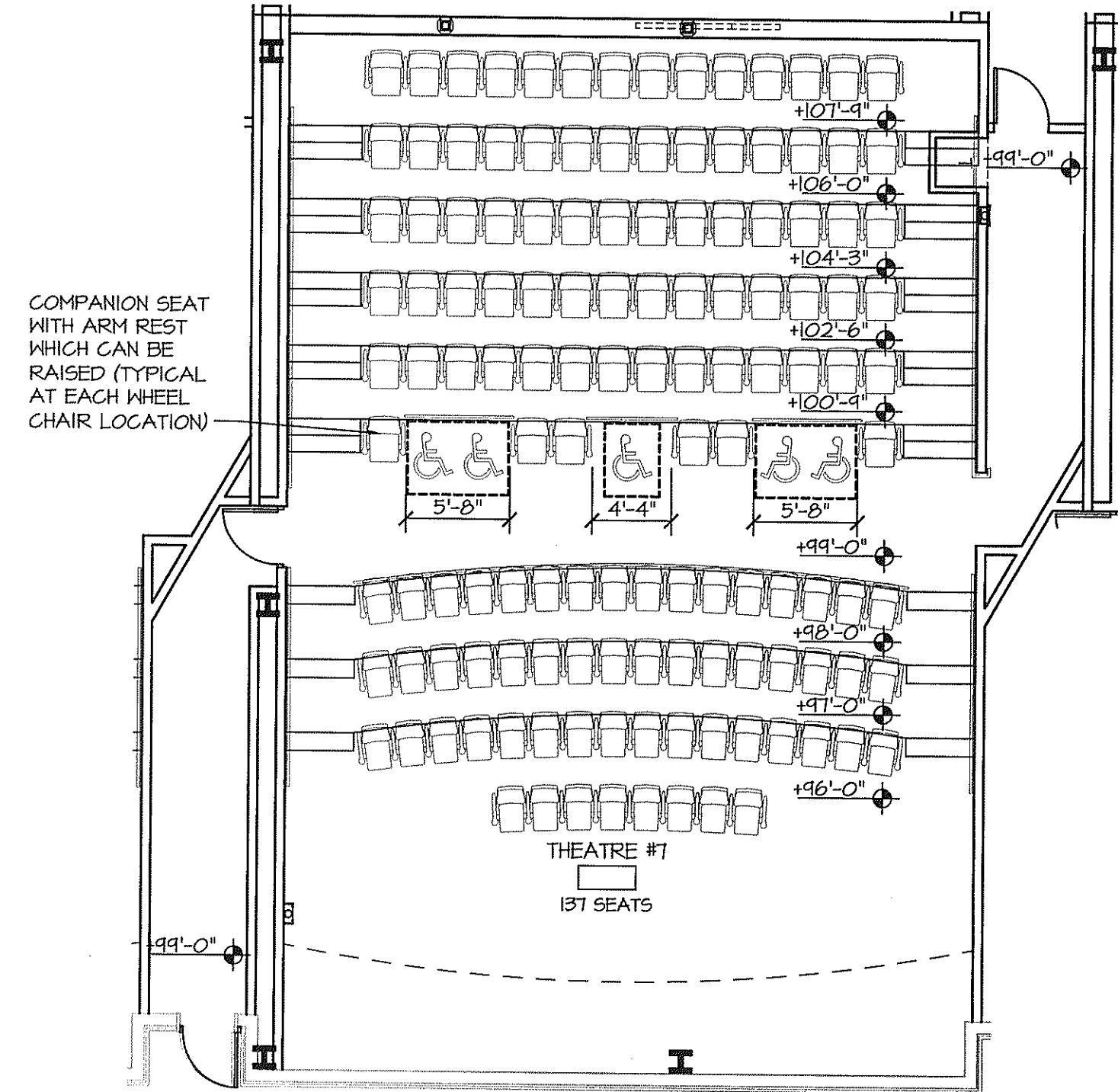
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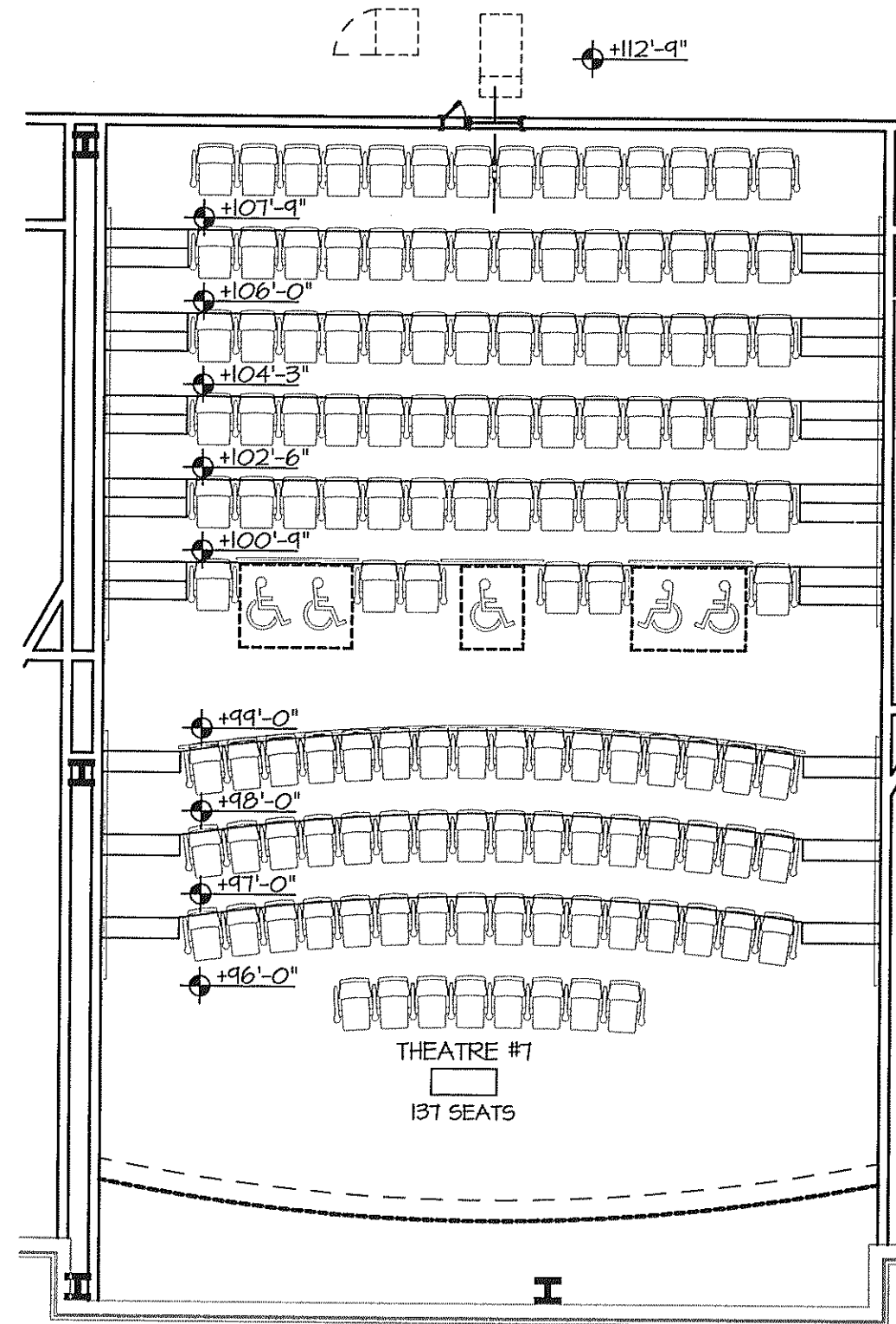
A THEATRE CROSS SECTION
SCALE: 1/8"=1'-0"



B SCREEN ELEVATION
SCALE: 1/8"=1'-0"



1 MAIN LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"



2 UPPER LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"

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ACCESSIBILITY WAIVER APPLICATION

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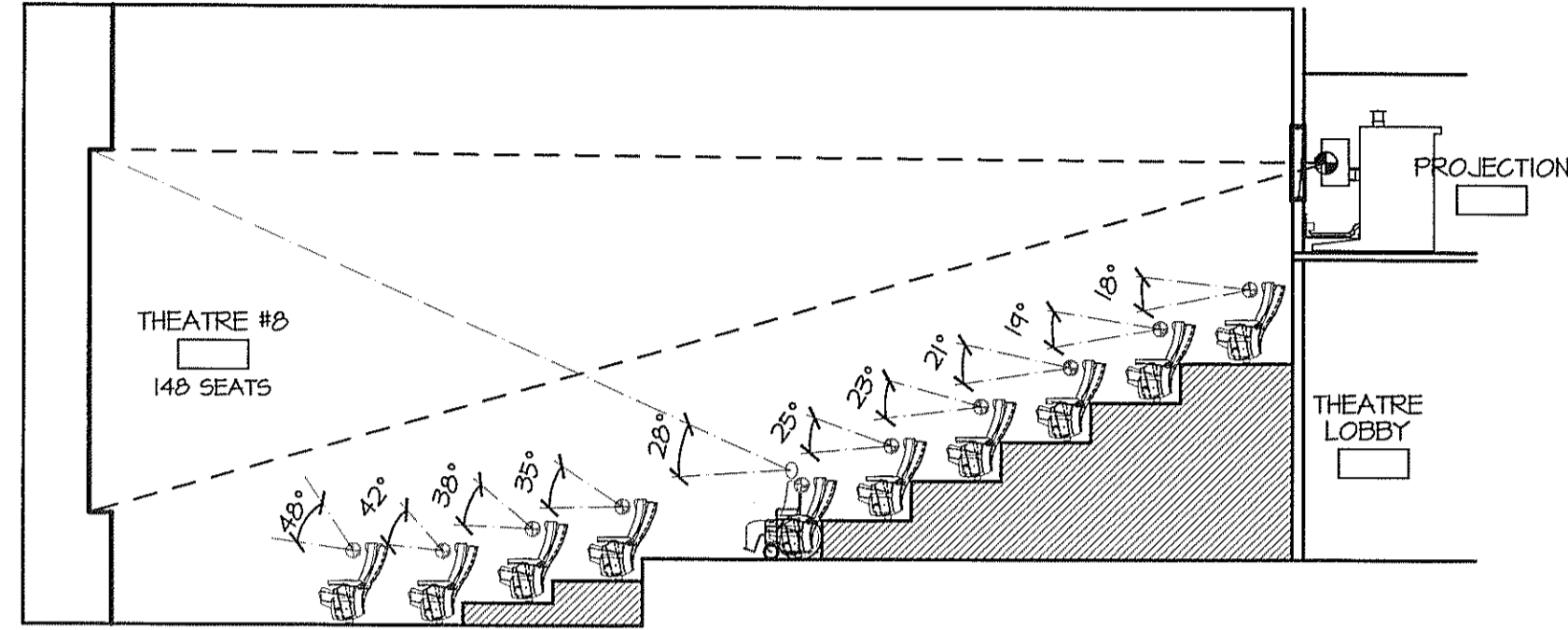
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THEATRE AUDITORIUM #7
PLANS AND SECTION

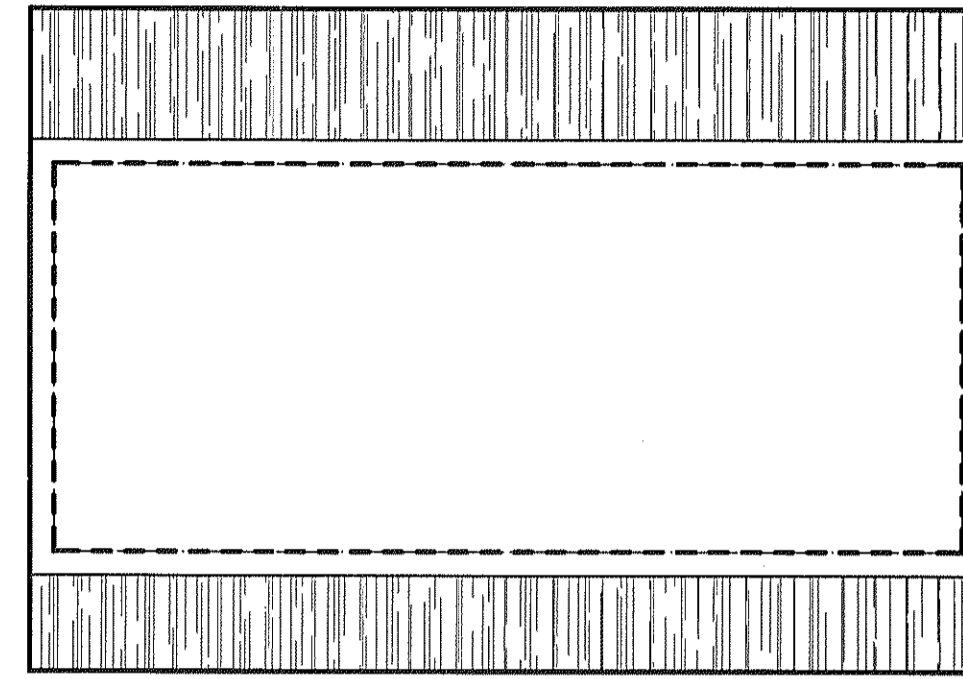
COBB COUNTRYSIDE 12 11-01-10 09-1091
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A7.7

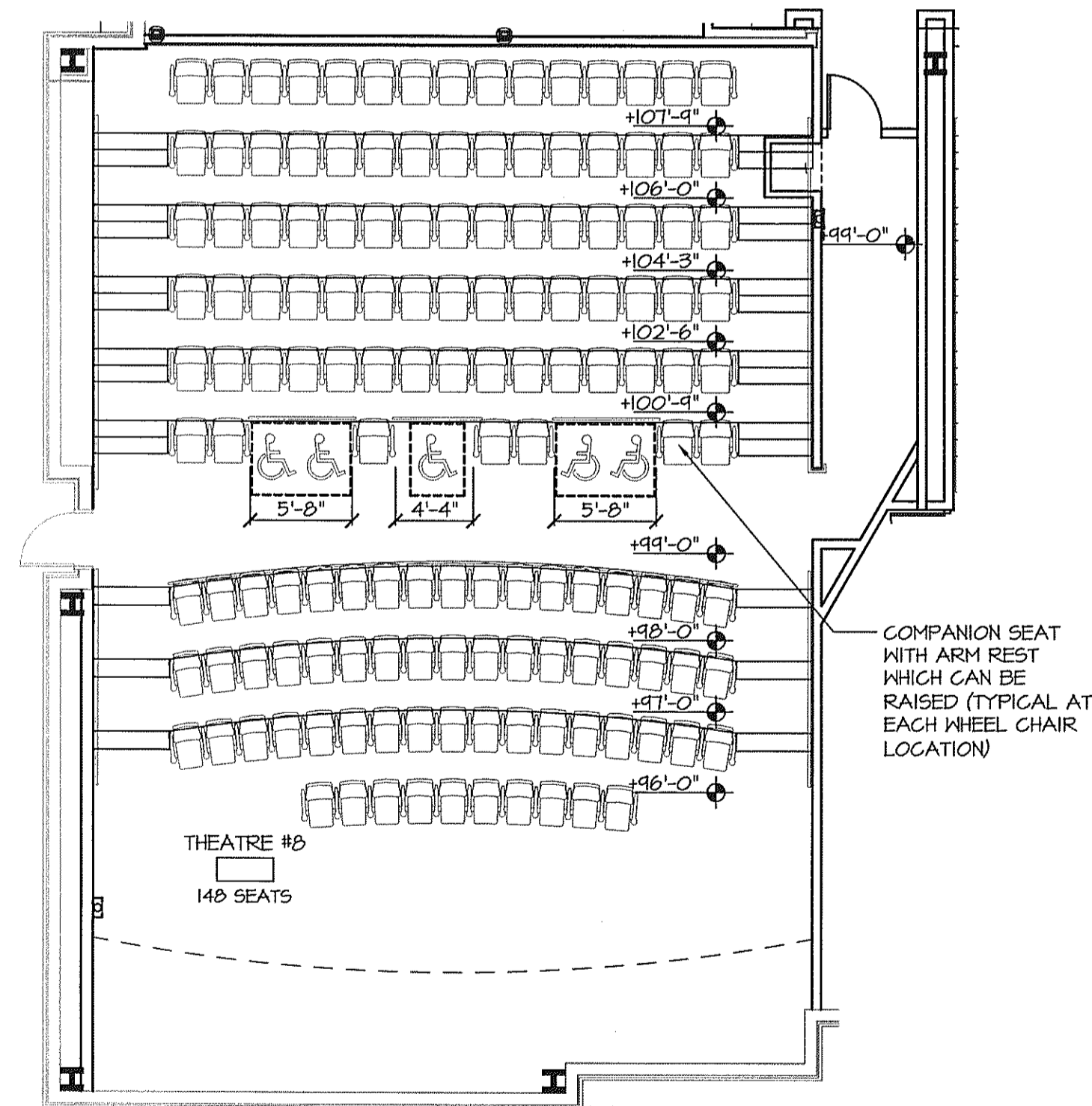
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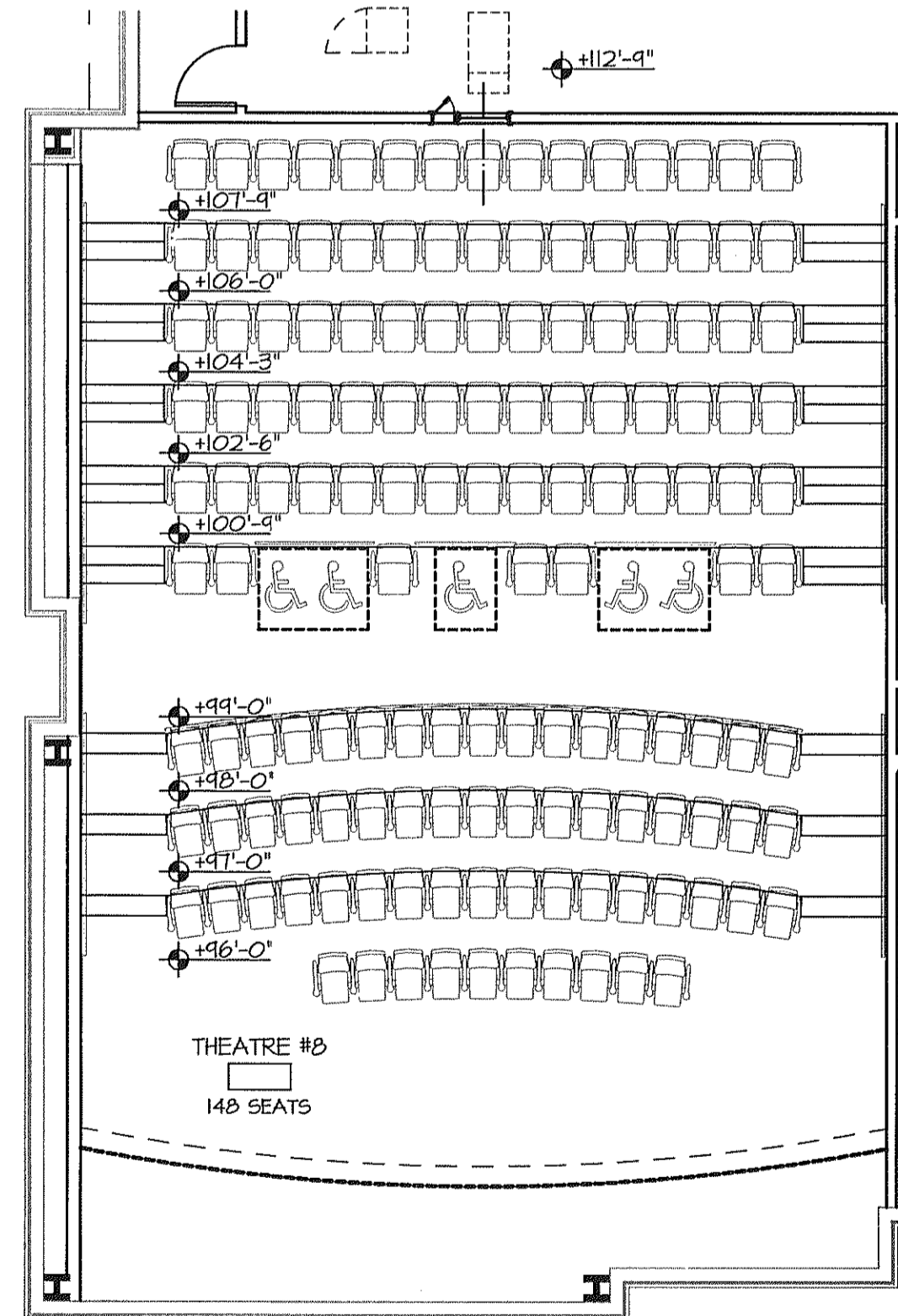
A
A7.8 THEATRE CROSS SECTION
SCALE: 1/8"=1'-0"



B
A7.8 SCREEN ELEVATION
SCALE: 1/8"=1'-0"



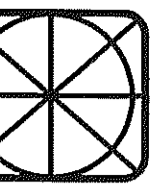
1
A7.8 MAIN LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"



2
A7.8 UPPER LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"

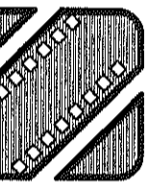
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**THEATRE AUDITORIUM #8
PLANS AND SECTION**

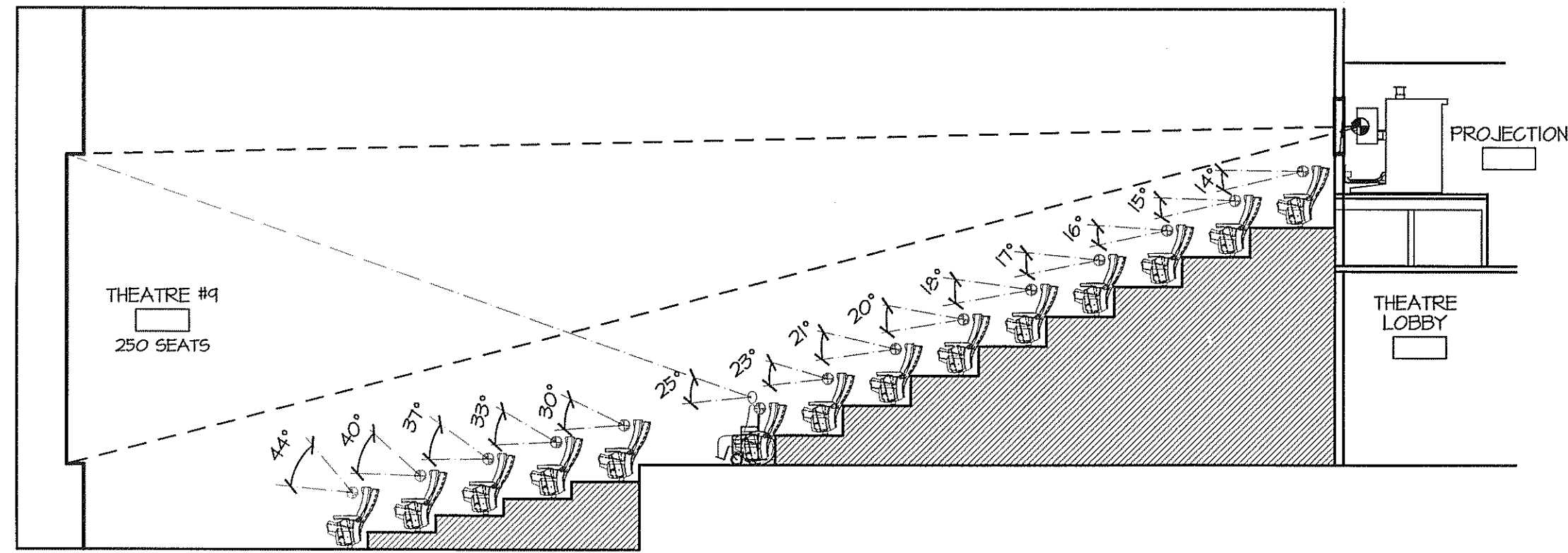
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09-1091

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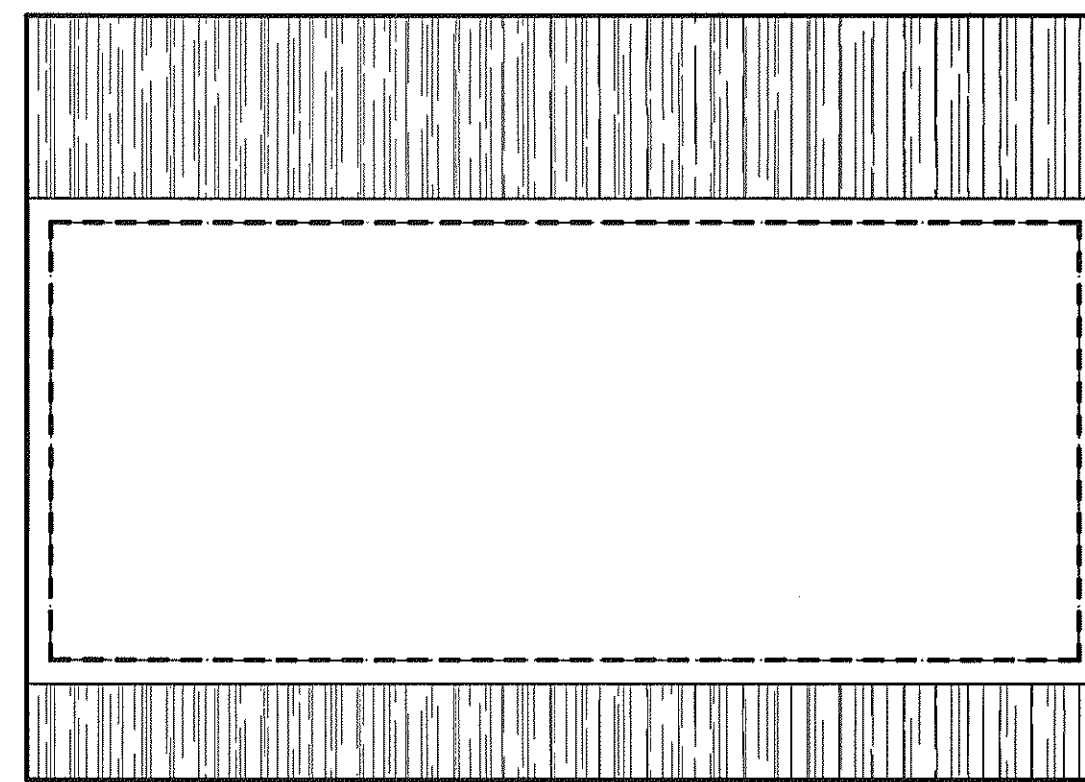


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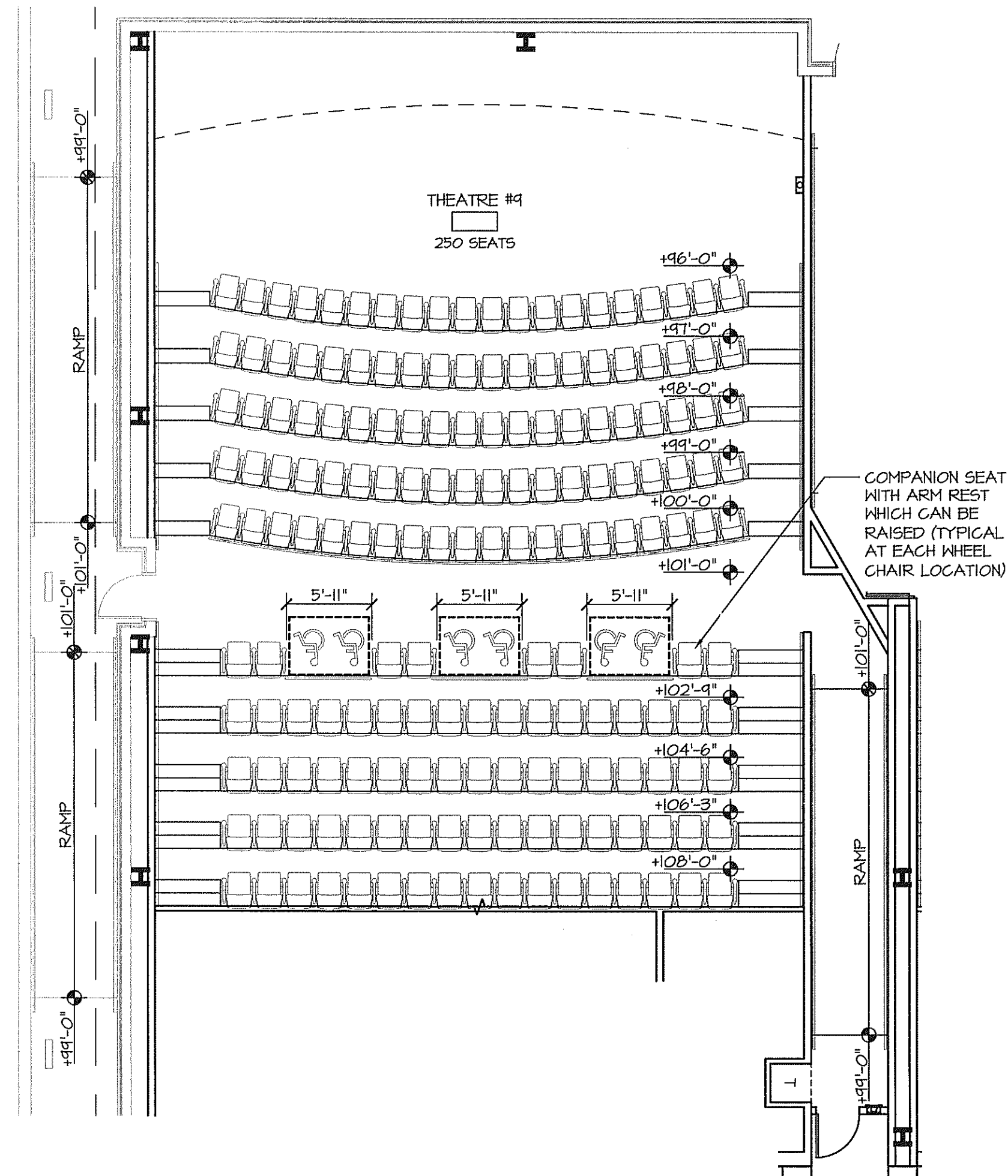
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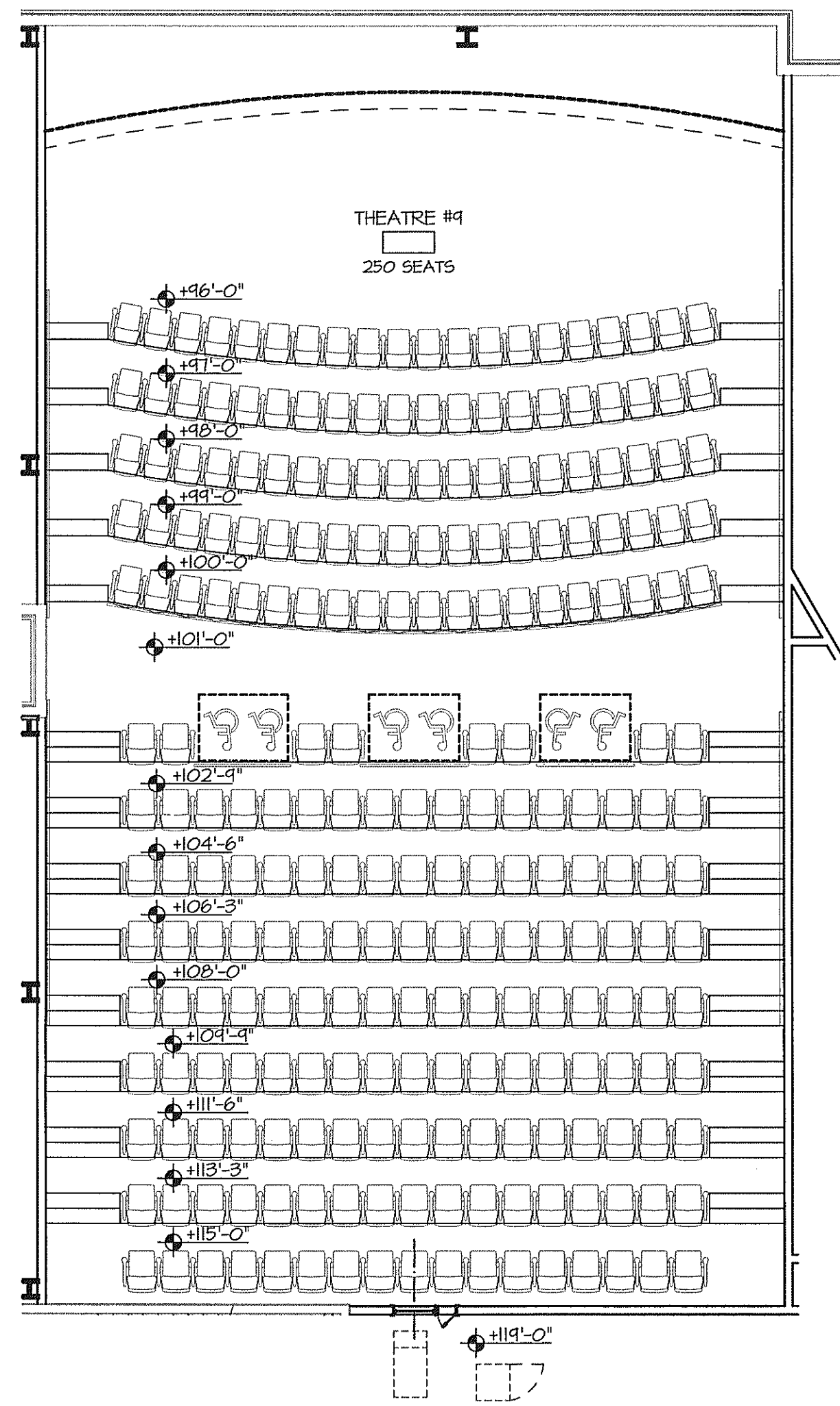
A THEATRE CROSS SECTION
SCALE: 1/8"=1'-0"



B SCREEN ELEVATION
SCALE: 1/8"=1'-0"



1 MAIN LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"



2 UPPER LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"

David W. Breedlove
11-02-10

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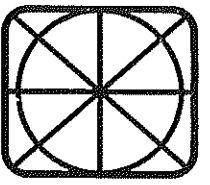
THEATRE AUDITORIUM #9
PLANS AND SECTION

COBB COUNTRYSIDE 12
CLEARWATER, FLORIDA

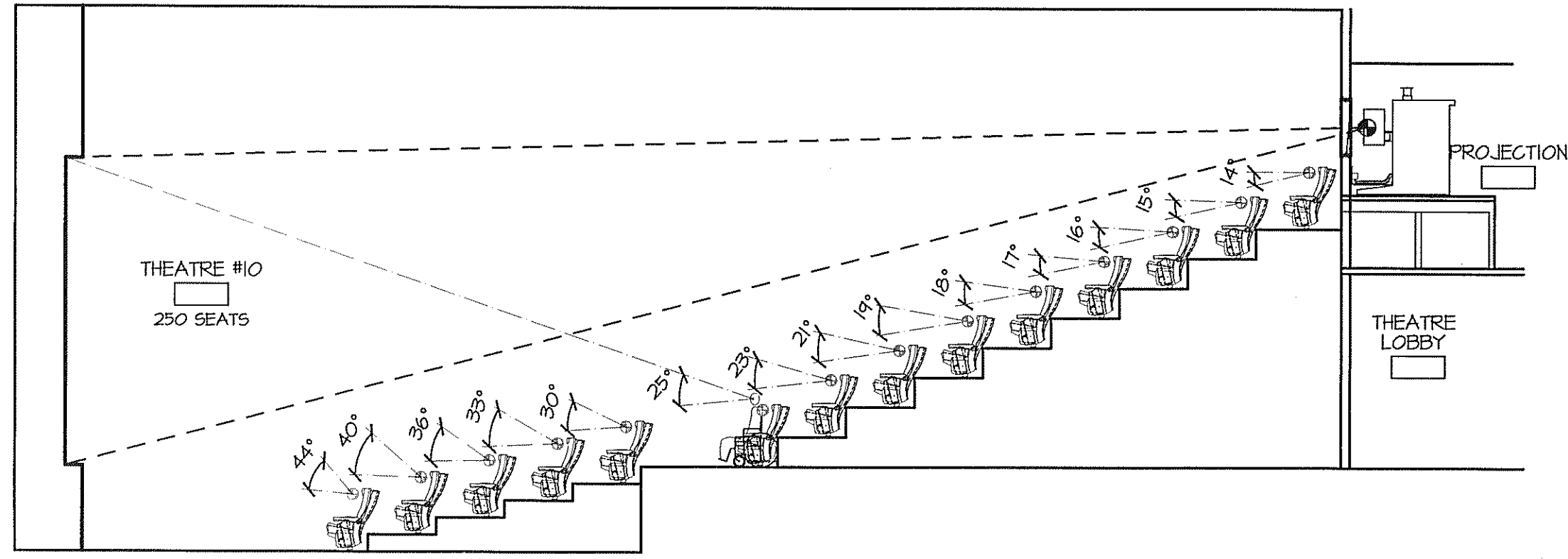


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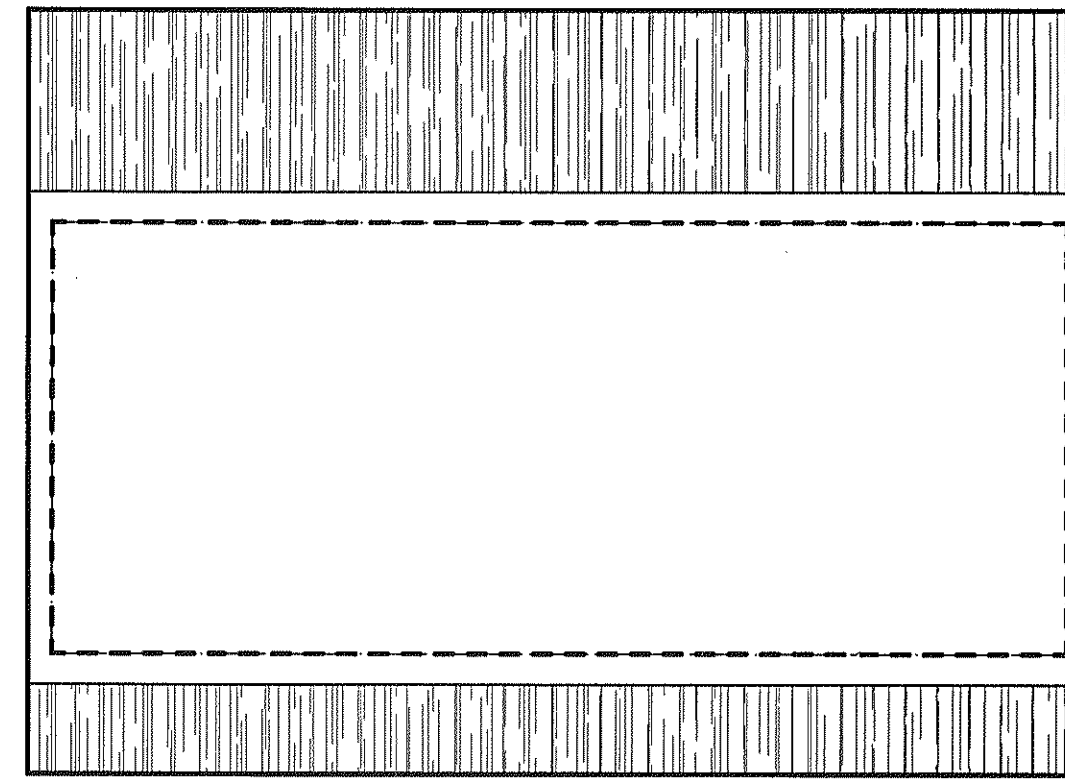
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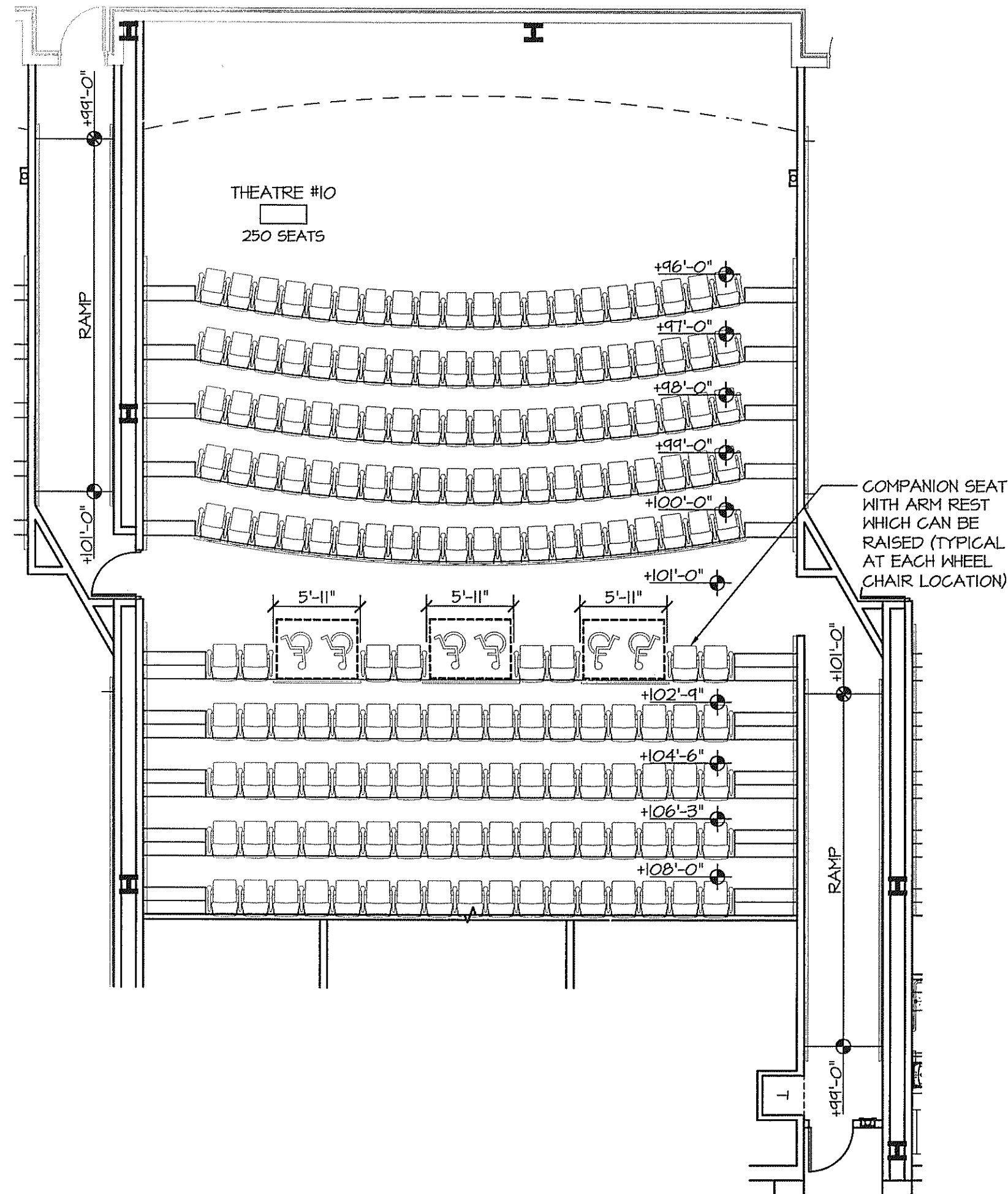
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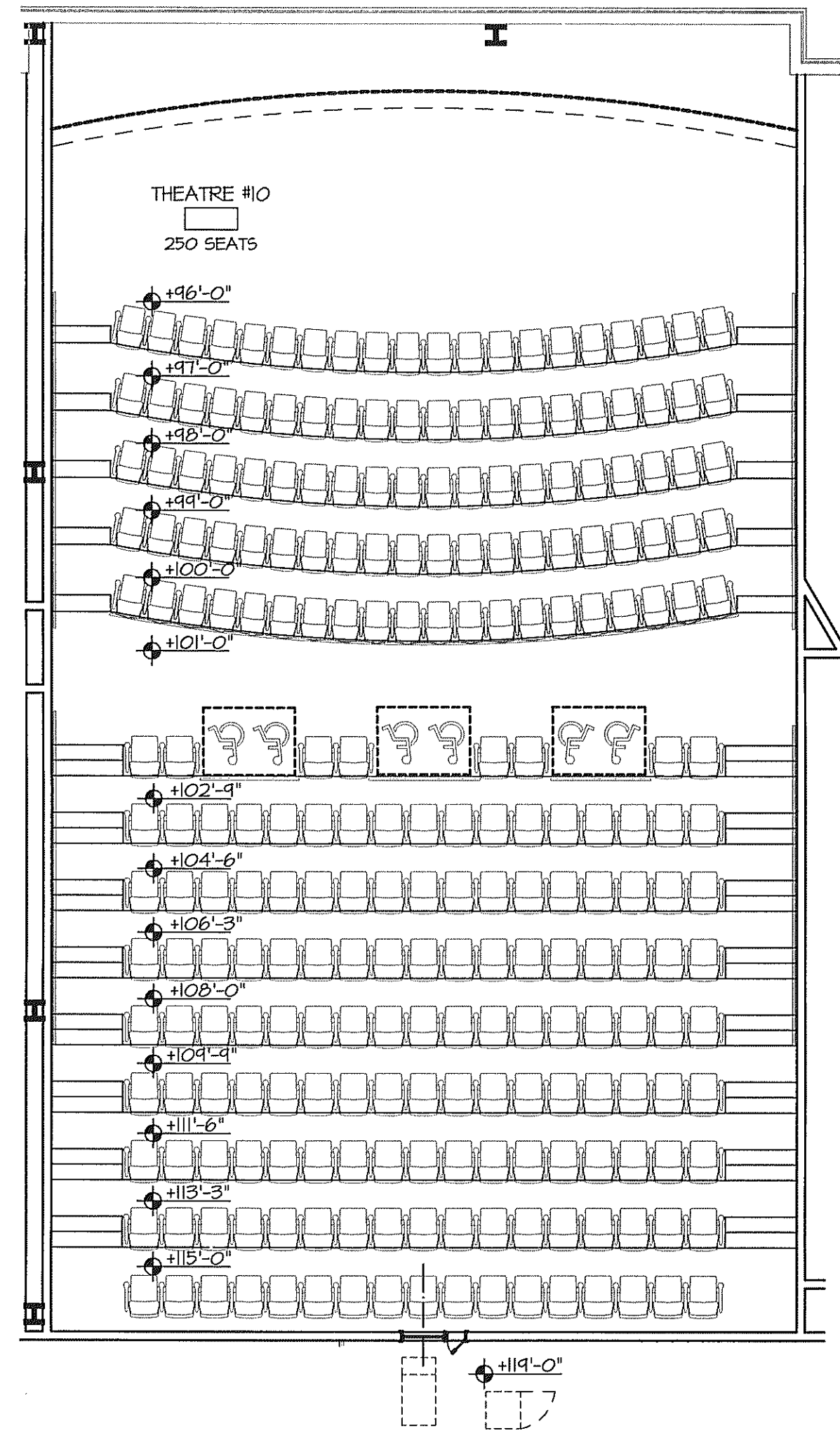
A THEATRE CROSS SECTION
SCALE: 1/8"=1'-0"



B SCREEN ELEVATION
SCALE: 1/8"=1'-0"



1 MAIN LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"



2 UPPER LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"

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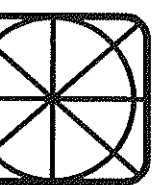
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THEATRE AUDITORIUM #10
PLANS AND SECTION

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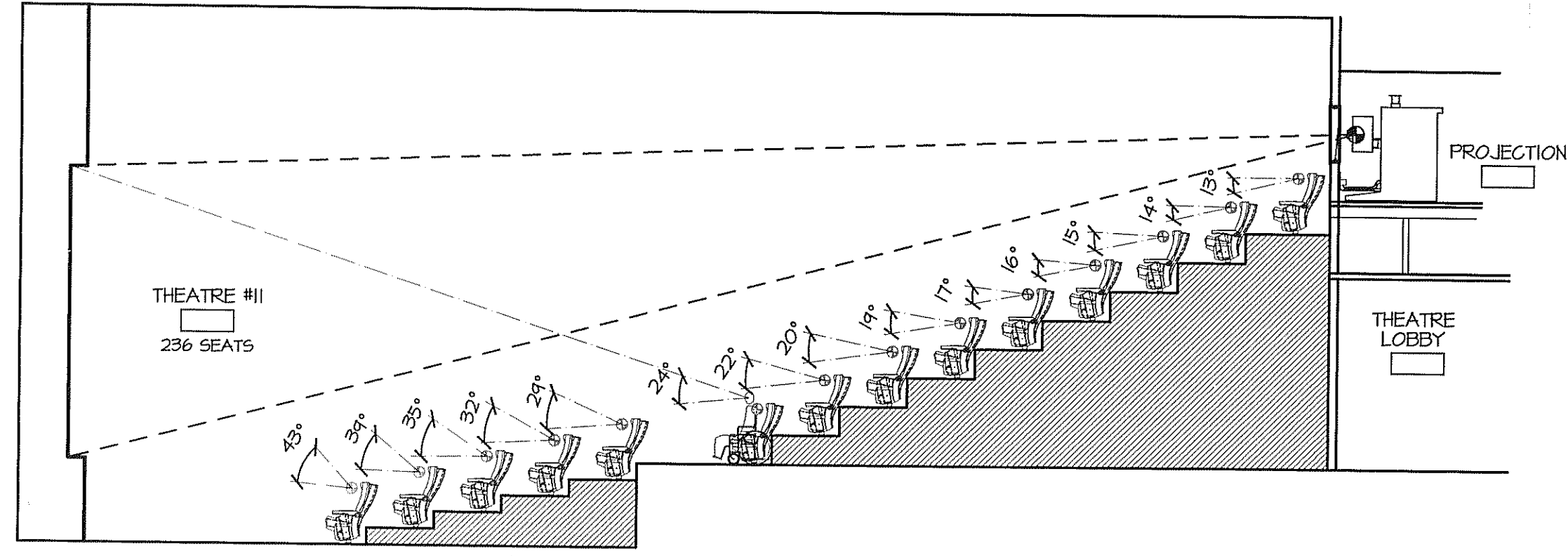


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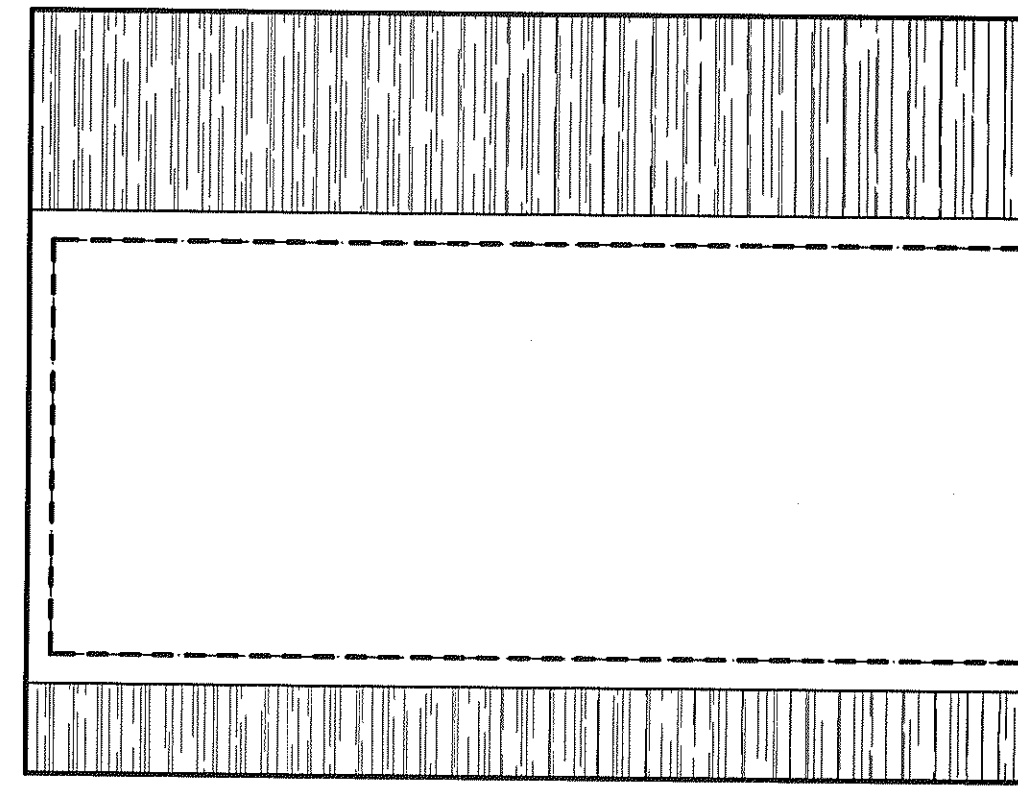


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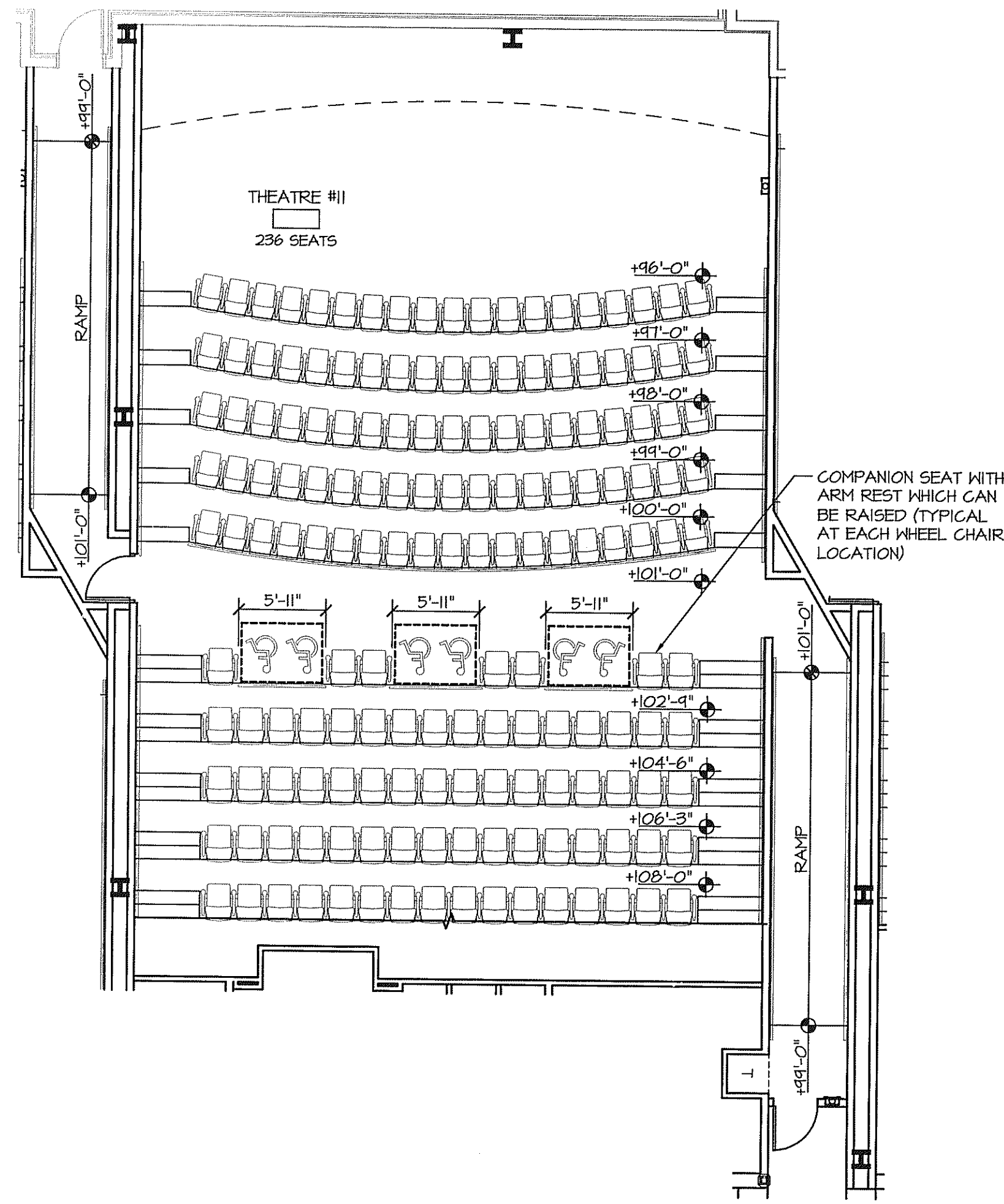
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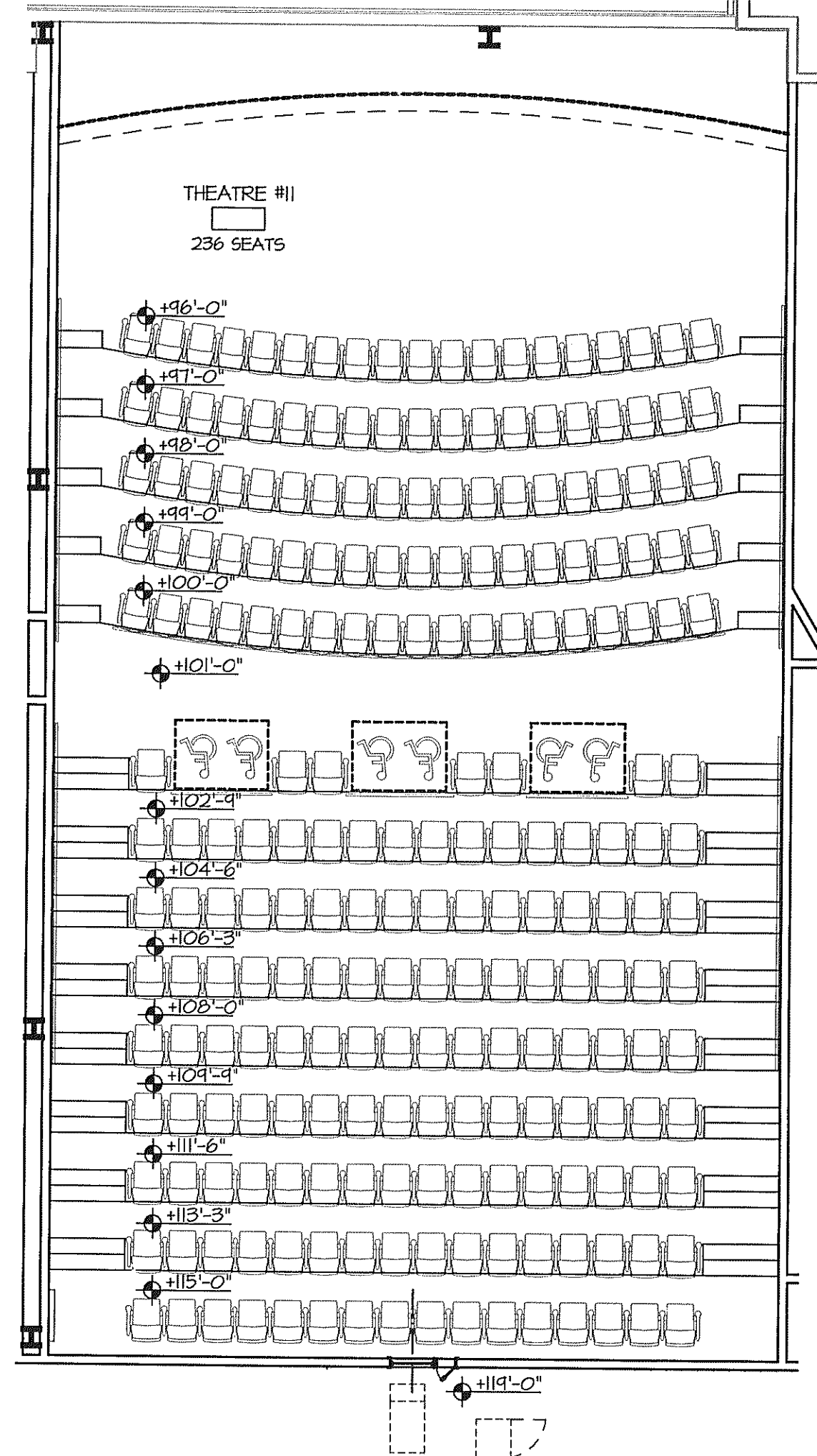
A THEATRE CROSS SECTION
A7.11 SCALE: 1/8"=1'-0"



B SCREEN ELEVATION
A7.11 SCALE: 1/8"=1'-0"



1 MAIN LEVEL FLOOR PLAN
A7.11 SCALE: 1/8"=1'-0"



2 UPPER LEVEL FLOOR PLAN
A7.11 SCALE: 1/8"=1'-0"

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ACCESSIBILITY WAIVER APPLICATION

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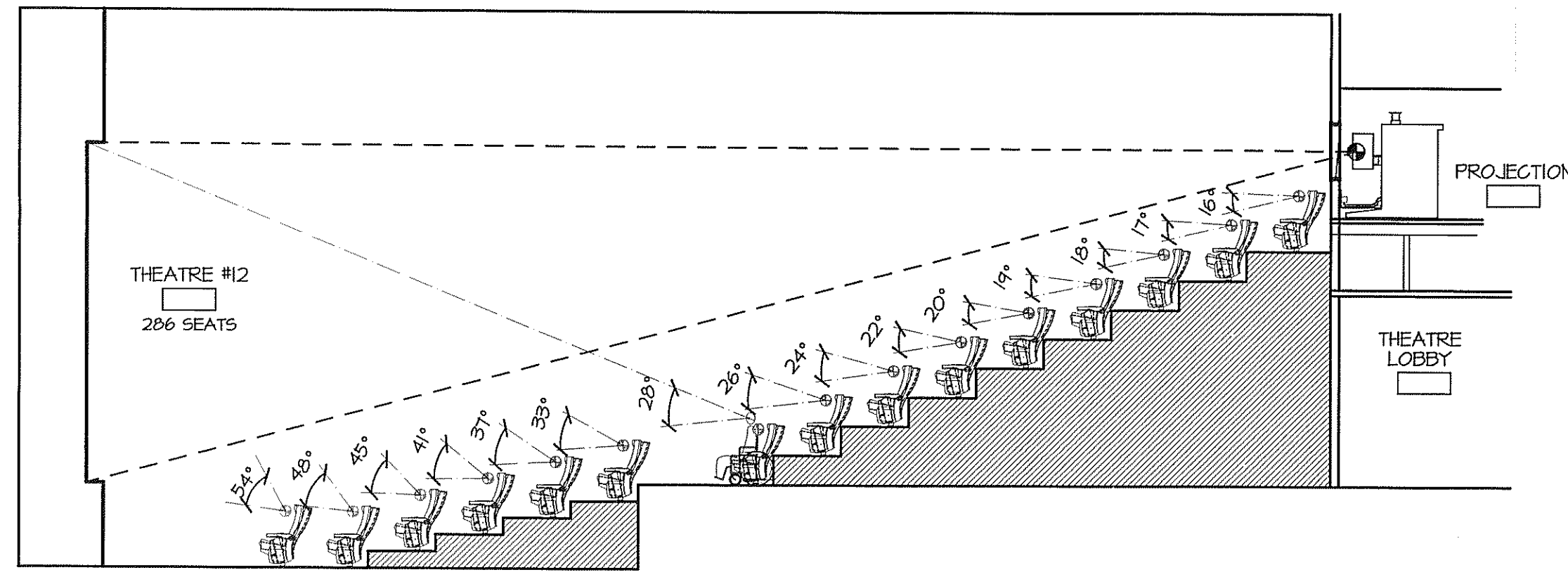
THEATRE AUDITORIUM #11
PLANS AND SECTION

11-01-10
09-1091

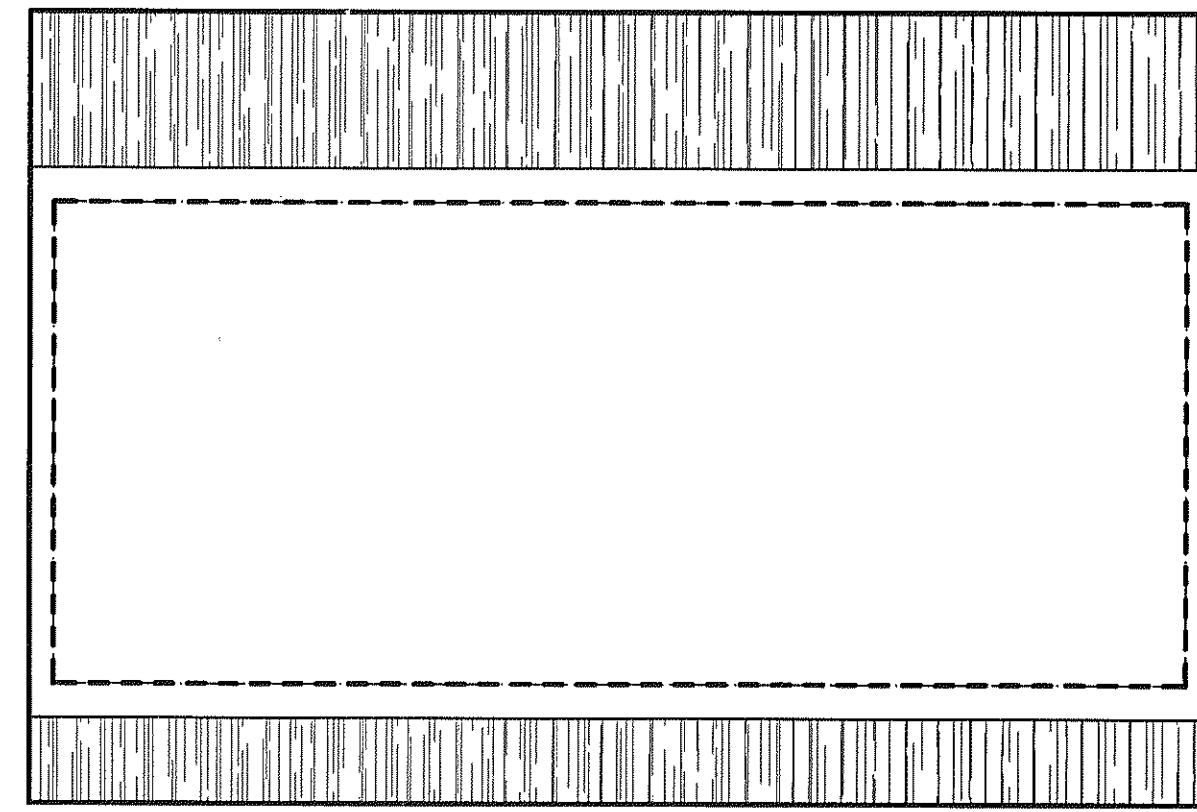
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CLEARWATER, FLORIDA

A7.11

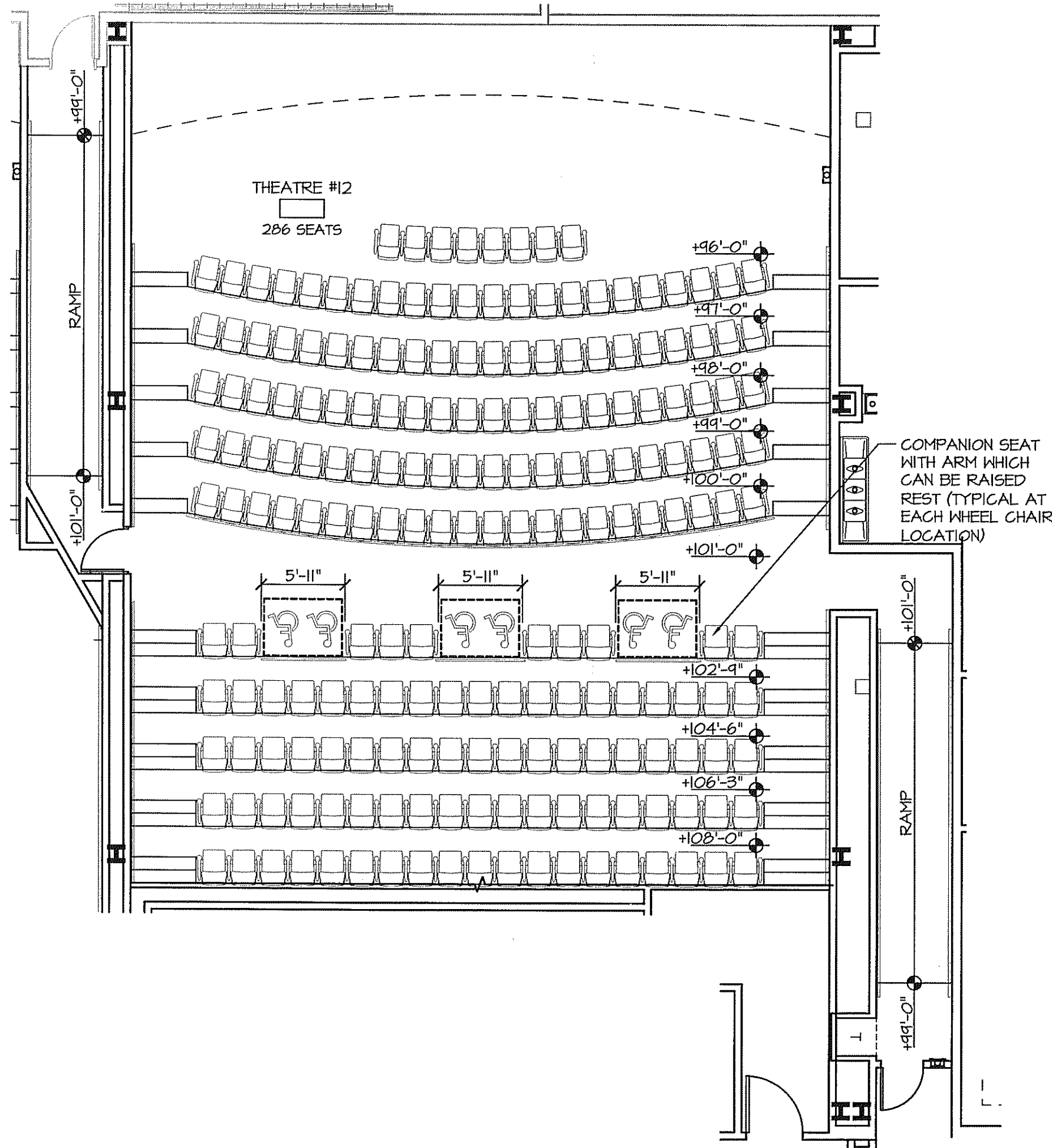
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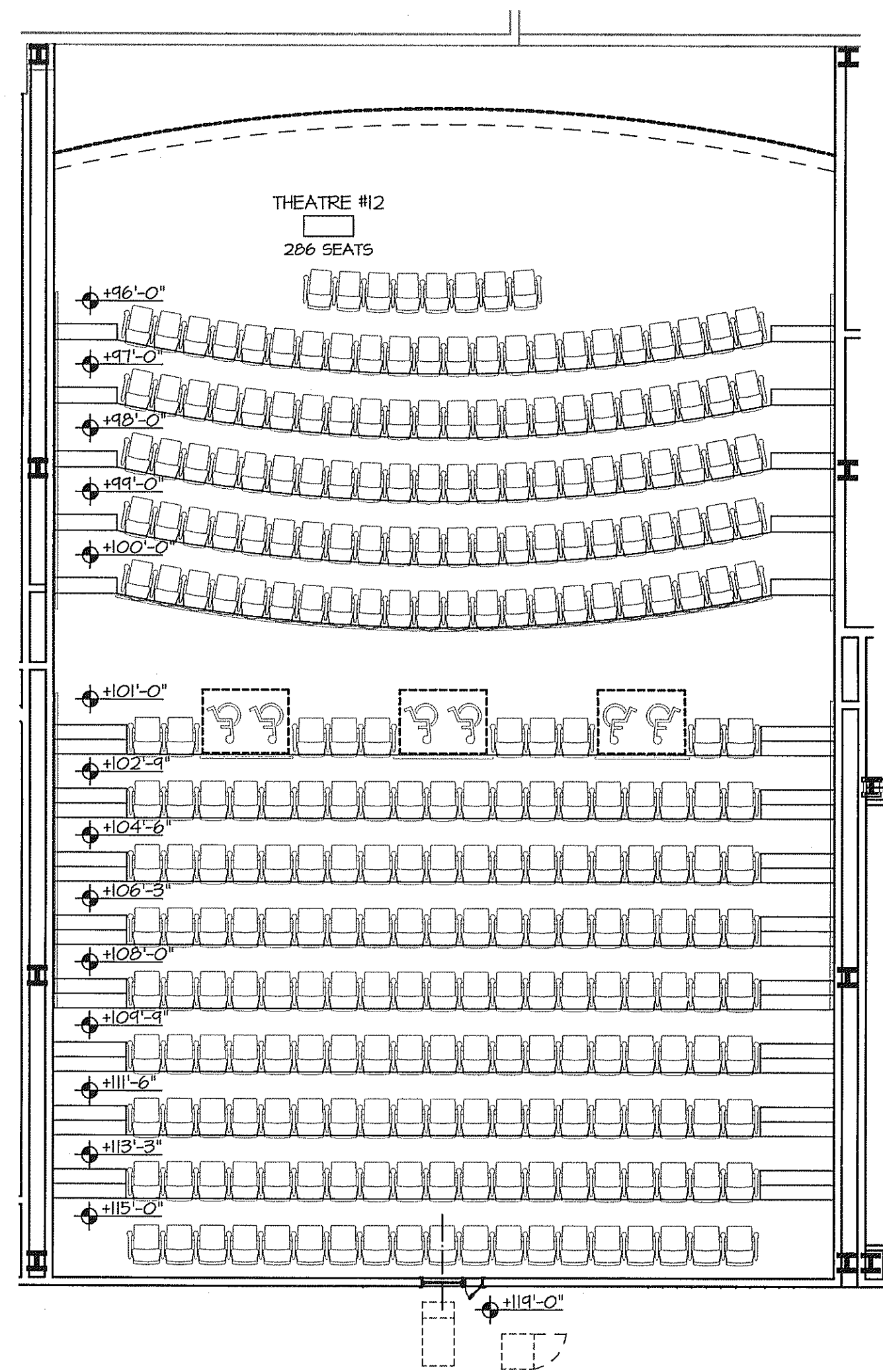
A THEATRE CROSS SECTION
A7.12 SCALE: 1/8"=1'-0"



B SCREEN ELEVATION
A7.12 SCALE: 1/8"=1'-0"



1 MAIN LEVEL FLOOR PLAN
A7.12 SCALE: 1/8"=1'-0"



2 UPPER LEVEL FLOOR PLAN
A7.12 SCALE: 1/8"=1'-0"

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THEATRE AUDITORIUM #12
PLANS AND SECTION

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A7.12

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