

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**DRIVEWAY CONNECTION PERMIT
FOR ALL CATEGORIES**

PART 1: PERMIT INFORMATION

APPLICATION NUMBER: 2019-A-194-00056

Permit Category: J - Government Entity Access Classification: _____

Project: Add Turn lanes along SR 789

Permittee: john pari

Section/Mile Post: / State Road: _____

Section/Mile Post: / State Road: _____

PART 2: PERMITTEE INFORMATION

Permittee Name: john pari

Permittee Mailing Address: 421 Commercial Ct

City, State, Zip: Venice, Florida 34292

Telephone: (941) 412-1293 ext. _____

Engineer/Consultant/or Project Manager: _____

Engineer responsible for construction inspection: _____

NAME P.E. #

Mailing Address: _____

City, State, Zip: _____

Telephone: _____ FAX, Mobile Phone, etc. Fax: / Mobile: _____

PART 3: PERMIT APPROVAL

The above application has been reviewed and is hereby approved subject to all Provisions as attached.

Permit Number: 2019-A-194-00056
Department of Transportation

Signature: Curtis Vilt Title: MAINTENANCE MANAGER/PERMITS

Department Representative's Printed Name Curtis Vilt

Temporary Permit YES NO (If temporary, this permit is only valid for 6 months)

Special provisions attached YES NO

Date of Issuance: 11/29/2021

If this is a normal (non-temporary) permit it authorizes construction for one year from the date of issuance. This can only be extended by the Department as specified in 14-96.007(6).

See following pages for General and Special Provisions

Approved
2019-A-194-00056
Curtis Vilt
11/29/2021

PART 4: GENERAL PROVISIONS

1. Notify the Department of Transportation Maintenance Office at least 48 hours in advance of starting proposed work.
Phone: 9417084447 , Attention: Curtis Vilt
2. A copy of the approved permit must be displayed in a prominent location in the immediate vicinity of the connection construction.
3. Comply with Rule 14-96.008(1), F.A.C., Disruption of Traffic.
4. Comply with Rule 14-96.008(7), F.A.C., on Utility Notification Requirements.
5. All work performed in the Department's right of way shall be done in accordance with the most current Department standards, specifications and the permit provisions.
6. The permittee shall not commence use of the connection prior to a final inspection and acceptance by the Department.
7. Comply with Rule 14-96.003(3)(a), F.A.C., Cost of Construction.
8. If a Significant Change of the permittee's land use, as defined in Section 335.182, Florida Statutes, occurs, the Permittee must contact the Department.
9. Medians may be added and median openings may be changed by the Department as part of a Construction Project or Safety Project. The provision for a median might change the operation of the connection to be for right turns only.
10. All conditions in NOTICE OF INTENT WILL APPLY unless specifically changed by the Department.
11. All approved connection(s) and turning movements are subject to the Department's continuing authority to modify such connection(s) or turning movements in order to protect safety and traffic operations on the state highway or State Highway System.
12. **Transportation Control Features and Devices in the State Right of Way.** Transportation control features and devices in the Department's right of way, including, but not limited to, traffic signals, medians, median openings, or any other transportation control features or devices in the state right of way, are operational and safety characteristics of the State Highway and are not means of access. The Department may install, remove or modify any present or future transportation control feature or device in the state right of way to make changes to promote safety in the right of way or efficient traffic operations on the highway.
13. The Permittee for him/herself, his/her heirs, his/her assigns and successors in interest, binds and is bound and obligated to save and hold the State of Florida, and the Department, its agents and employees harmless from any and all damages, claims, expense, or injuries arising out of any act, neglect, or omission by the applicant, his/her heirs, assigns and successors in interest that may occur by reason of this facility design, construction, maintenance, or continuing existence of the connection facility, except that the applicant shall not be liable under this provision for damages arising from the sole negligence of the Department.
14. The Permittee shall be responsible for determining and notify all other users of the right of way.
15. Starting work on the State Right of Way means that I am accepting all conditions on the Permit.

Approved
2019-A-194-00056
Curtis Vilt
11/29/2021

PART 5: SPECIAL PROVISIONS

NON-CONFORMING CONNECTIONS: YES NO

If this is a non-conforming connection permit, as defined in Rule Chapters 14-96 and 14-97, then the following shall be a part of this permit.

1. The non-conforming connection(s) described in this permit is (are) not permitted for traffic volumes exceeding the Permit Category on page 1 of this permit, or as specified in "Other Special Provisions" below.
2. All non-conforming connections will be subject to closure or relocation when reasonable access becomes available in the future.

OTHER SPECIAL PROVISIONS:

PART 6: APPEAL PROCEDURES

You may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. If you dispute the facts stated in the foregoing Notice of Intended Department Action (hereinafter Notice), you may petition for a formal administrative hearing pursuant to section 120.57 (1), Florida Statutes. If you agree with the facts stated in the Notice, you may petition for an informal administrative hearing pursuant to section 120.57(2), Florida Statutes. You must file the petition with:

Clerk of Agency Proceedings
Department of Transportation
Haydon Burns Building
605 Suwannee Street, M.S. 58
Tallahassee, Florida 32399-0458

The petition for an administrative hearing must conform to the requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code, and be filed with the Clerk of Agency Proceedings by 5:00 p.m. no later than 21 days after you received the Notice. The petition must include a copy of the Notice, be legible, on 8 1/2 by 11 inch white paper, and contain:

1. Your name, address, telephone number, any Department of Transportation identifying number on the Notice, if known, the name and identification number of each agency affected, if known, and the name, address, and telephone number of your representative, if any, which shall be the address for service purposes during the course of the proceeding.
2. An explanation of how your substantial interests will be affected by the action described in the Notice;
3. A statement of when and how you received the Notice;
4. A statement of all disputed issues of material fact. If there are none, you must so indicate;
5. A concise statement of the ultimate facts alleged, including the specific facts you contend warrant reversal or modification of the agency's proposed action, as well as an explanation of how the alleged facts relate to the specific rules and statutes you contend require reversal or modification of the agency's proposed action;
6. A statement of the relief sought, stating precisely the desired action you wish the agency to take in respect to the agency's proposed action.

If there are disputed issues of material fact a formal hearing will be held, where you may present evidence and argument on all issues involved and conduct cross-examination. If there are no disputed issues of material fact an informal hearing will be held, where you may present evidence or a written statement for consideration by the Department.

Mediation, pursuant to section 120.573, Florida Statutes, may be available if agreed to by all parties, and on such terms as may be agreed upon by all parties. The right to an administrative hearing is not affected when mediation does not result in a settlement.

Your petition for an administrative hearing shall be dismissed if it is not in substantial compliance with the above requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code. If you fail to timely file your petition in accordance with the above requirements, you will have waived your right to have the intended action reviewed pursuant to chapter 120, Florida Statutes, and the action set forth in the Notice shall be conclusive and final.

Approved
11/29/2021
Curtis Vilt
11/29/2021

SUBMITTAL/APPROVAL LETTER

To: Mark L. Peronto, P.E.
 District or Turnpike Design Engineer

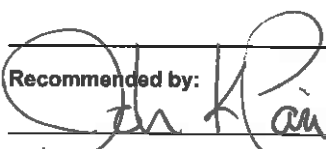
Date: 7/28/2021

Financial Project ID: 2019-A-194-00056 New Const. RRR
 Federal Aid Number: _____
 Project Name: Longboat Key Turn Lanes
 State Road Number: SR 789 Co./Sec./Sub. _____
 Begin Project MP: 4.188 End Project MP: 5.047
 FHWA Project of Division Interest: Yes No
 Request for: Design Exception Design Variation
 Community Aesthetic Feature: Conceptual Final
 Re-submittal: Yes No Original Ref# _____ - _____

Requested for the following element(s):

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Design Speed | <input type="checkbox"/> Lane Width | <input type="checkbox"/> Shoulder Width | <input type="checkbox"/> Cross Slope |
| <input type="checkbox"/> Design Loading Structural Capacity | <input type="checkbox"/> Vertical Clearance | <input type="checkbox"/> Maximum Grade | <input type="checkbox"/> Stopping Sight Distance |
| <input type="checkbox"/> Superelevation | <input type="checkbox"/> Horizontal Curve Radius | <input type="checkbox"/> Other <u>Clear Zone</u> | |

This design variation is for reducing clear zone at one (1) location from 18' (40 mph) to 17.3' to preserve grand tree located at station 267+50.

Recommended by:  Date 7/28/21

Responsible Professional Engineer or Landscape Architect (Landscape-Only Projects)

Approvals:

Digitally signed by Mark L Peronto
 Date: 2021.07.29 15:47:38 -04'00'

Mark L Peronto _____ Date _____
 District or Turnpike Design Engineer

_____ Date _____
 State Roadway Design Engineer

_____ Date _____
 Chief Engineer

_____ Date _____
 District Structures Design Engineer

_____ Date _____
 State Structures Design Engineer

_____ Date _____
 FHWA Division Administrator

Approved
 2019-A-194-00056
 Curtis Vilt
 11/29/2021

SR 789 LONGBOAT KEY TURN LANES



NORTHERLY PROJECT LIMIT

POSTED SPEED LIMIT 45 MPH

SOUTHERLY PROJECT LIMIT

64" TREE AT STATION 267+50 LT



POSTED SPEED LIMIT 45 MPH

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Approved
2019-A-194-00056
Curtis Vilt
11/29/2021

DESIGN VARIATION: Clear Zone

Description: SR 789 from Channel Lane to Longboat Club Road

County: Sarasota County – Town of Longboat Key

FPID – None

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Attachments:

100% Design Plans

DESIGN VARIATION: Clear Zone

Description: SR 789 from Channel Lane to Longboat Club Road

County: Sarasota County – Town of Longboat Key

FPID – None

1. PROJECT DESCRIPTION

The project will add left turn lanes and landscaped medians for a segment of SR 789 (Gulf of Mexico Drive) from Channel Lane to Longboat Club Road, approximately 0.84 miles. **Refer to the Key sheet No. K-1 of the plans. Refer to overall project exhibit, attached.**

SR 789 is a two-lane undivided roadway in the Town of Longboat Key in Sarasota County with a design and posted speed limits of 45 mph. The existing travel lanes are 12 feet wide with existing 4 feet paved shoulders w/ symbol markings for bike lanes.

SR 789 is approximately 2.0 miles from St. Armand’s Circle to 900 feet south of Channel Lane with a posted speed limit of 35 mph. SR 789 is approximately 4.6 miles from 900 feet south of Channel Lane to Manatee County line with a design and posted speed limit of 45 mph. The functional classification of SR 789 is a major collector within the Urban Boundary of Sarasota County. We believe a Context Classification of C4-Urban General best fits this roadway within the project area based on the FDOT Design Manual Table 200.4.1.

The proposed improvements for this project include the following items:

- Add 12 feet wide pavement on the southbound side of the roadway for an ultimate typical section configuration of 44 feet wide pavement consisting of two 11 feet travel lanes, 10 feet left turn lane, and two six feet wide paved shoulders w/ double 6-inch white edge lines and symbol markings for bike lanes. Five landscaped median islands are also proposed. **Refer to the typical sections, attached.**

2. PROJECT SCHEDULE AND LIFE SPAN

1. The project has been prioritized by the Town of Longboat Key and by the Sarasota-Manatee MPO. It was recently added to the 5-year Work Program in the year 2025. The project is funded for construction in the FDOT Work Program for FY 2024/2025 (July 1, 2024 through June 30, 2025). Project life span is 20 years.
2. The Speed Zone Study completed by Stantec dated 4/20, identified the need for the project. Figure 1 Location study map indicates this project is in location one, designated from New Pass to Harbourside Drive. Table 4 in the speed study indicates that the 85th percentile speed within location one is 43 mph in both the northbound and southbound directions. Table 10 in the speed study indicates that the streetlight 85th

DESIGN VARIATION: Clear Zone

Description: SR 789 from Channel Lane to Longboat Club Road

County: Sarasota County – Town of Longboat Key

FPID – None

percentile travel speed by month was highest from May to October with a travel speed of 40 mph in the northbound direction. In the southbound direction, the monthly streetlight 85th percentile travel speed was highest in June and September with a travel speed of 42 mph. A copy of Table 4 and Table 10 are attached with this submittal.

3. VARIATION DESCRIPTION

3.1 Design Criteria

This variation in clear zone applies to one (1) tree location at 267+50 Lt, approximately 250 feet south of Outrigger Lane. FDOT - The minimum clear zone width for a roadway with a design speed of 40 mph is **18 feet** per FDOT Design Manual (FDM), Part 2, Chapter 215, Table 215.2.1.

Note: Per team meeting on 2/10/21 with FDOT officials, the Department’s recommended target speed is 40 MPH.

3.2 Proposed Criteria

This variance proposes to allow one (1) 64” diameter Banyan tree, located at station 267+50, Lt to remain in the clear zone.

4. ALTERNATIVES DESIGN CONSIDERED/COSTS

(a) Guardrail was considered as a design option. However, installing guardrail at one location was not desirable since guardrail can become a hazard to drivers if not properly maintained.

Note: There are six grand banyan trees (**see table below**) with diameters varying from 48 inch to over 64 inches with clear zones that vary from 17.3 feet to 22.6 feet that do not meet the clear zone requirements of 24 feet required for a 45-mph design. The addition of a proposed raised landscaped median, a reduced travel lane width to 11 feet, and a paved shoulder w/ symbol markings for a bike lane will facilitate the reduction of the clear zone width.

DESIGN VARIATION: Clear Zone

Description: SR 789 from Channel Lane to Longboat Club Road

County: Sarasota County – Town of Longboat Key

FPID – None

TOWN OF LONGBOAT KEY, SR-789			
(GULF OF MEXICO DRIVE) – 10 Feet Left Turn Lane			
OFFSET TO EDGE OF TRAVELED WAY			
STATION +/-	Approx. Existing TREE DIAMETER (Inches)	OFFSET	
		Existing	Proposed
267+50	64	27.6'	17.3'
268+00	64	31.3'	21.1'
268+50	64	29.3'	18.6
286+80	48	29.7'	19.7
286+90	48	32.0'	22.6
287+15	64	17.7'	8.5

5. IMPACTS OF THE DESIGN VARIATION

5.1 Safety Performance

An evaluation of the crash reports from the most recent crash data (2013 to 2017) obtained from the Department shows there were a total 18 crashes within the project limits. The crash reports show that there were no fatalities and couple of minor injury. There were 4 “sideswipes” crashes attributed to vehicles slowing down to make a left turn to the side streets. There were 6 “Front to rear” crashes where traffic slowed, and the trailing vehicle failed to slow down on time. One crash was contributed to a vehicle slowing down for a pedestrian crossing the road. There were 2 crashes involving “Run-off the road”. Other crashes were minor in nature.

The introduction of left turn lanes, median islands and removal of a 64” Banyan tree located at station 287+15 will reduce the number of potential crashes.

5.2 Operational Performance

The 2019 traffic data shows a 13,600 AADT for this segment. Reducing the clear zone from 18.0 to 17.3 should not adversely impact the operational performance of the

DESIGN VARIATION: Clear Zone

Description: SR 789 from Channel Lane to Longboat Club Road

County: Sarasota County – Town of Longboat Key

FPID – None

roadway. Changing the typical section to include left turn lanes and medians will improve through movement by moving turning vehicles out of the through lanes. The proposed medians provide space for landscaping and other aesthetic treatments, reduce headlight glare distraction, separate left-turning traffic from through lanes, help maintain roadway operating speed which in turn reduces fuel consumption and carbon emissions.

5.3 Effects on Capacity

The reduced clear zone should not adversely impact level of service.

5.4 Right of Way

The existing right of way width is 100 feet wide. No right of way impact from a reduced clear zone.

5.5 Community

The reduced clear zone will preserve a grand banyan tree located at station 267+50. These grand trees are considered a heritage for the Town of Longboat Key. Per Sarasota County ordinance 2011-023, grand trees are protected. Mitigation cost can be \$10,000.00 for one (1) 50” diameter tree.

5.6 Environment

The reduced clear zone should have a positive impact on the environment by preserving a grand tree at station 267+50

5.7 Usability by All Modes of Transportation

This roadway corridor is utilized by all modes of transportation including Sarasota County Area Transit (SCAT) service. The reduced clear zone width does not affect usability of the roadway.

DESIGN VARIATION: Clear Zone

Description: SR 789 from Channel Lane to Longboat Club Road

County: Sarasota County – Town of Longboat Key

FPID – None

6. MITIGATION MEASURES

The requested design variance applies to one (1) location at station 267+50, Lt.

Mitigation measures include pruning tree (station 267+50, Lt), and removal of an existing 64” diameter Bayan tree located at station 287+15, currently 17.7’ from the existing edge pavement. The proposed improvements that include medians, a reduced travel lane width from 12 feet to 11 feet, painted curbed noses, will collectively provide for proper mitigation.

7. SUMMARY / CONCLUSION

The requested design variance applies to one (1) tree at station 267+50, Lt.

Due to positive community and environmental effects, as well as the above-described mitigation measures, we recommend this design variation to allow one (1) tree at sta. 267+50, to remain within the clear zone. Therefore, we would like to request that the Design Variation be approved.

Recommended by

John K. Pari
Digitally signed by John K. Pari
DN: E=jpari@dmkassoc.com,
CN=John K. Pari,
OU=Engineering, O="DMK ASSOCIATES, INC.",
L=Venice, S=Florida, C=US
Date: 2021.07.29
11:40:16-0400

Date 7/29/21

Responsible Professional Engineer

John K. Pari

PE No. 56368

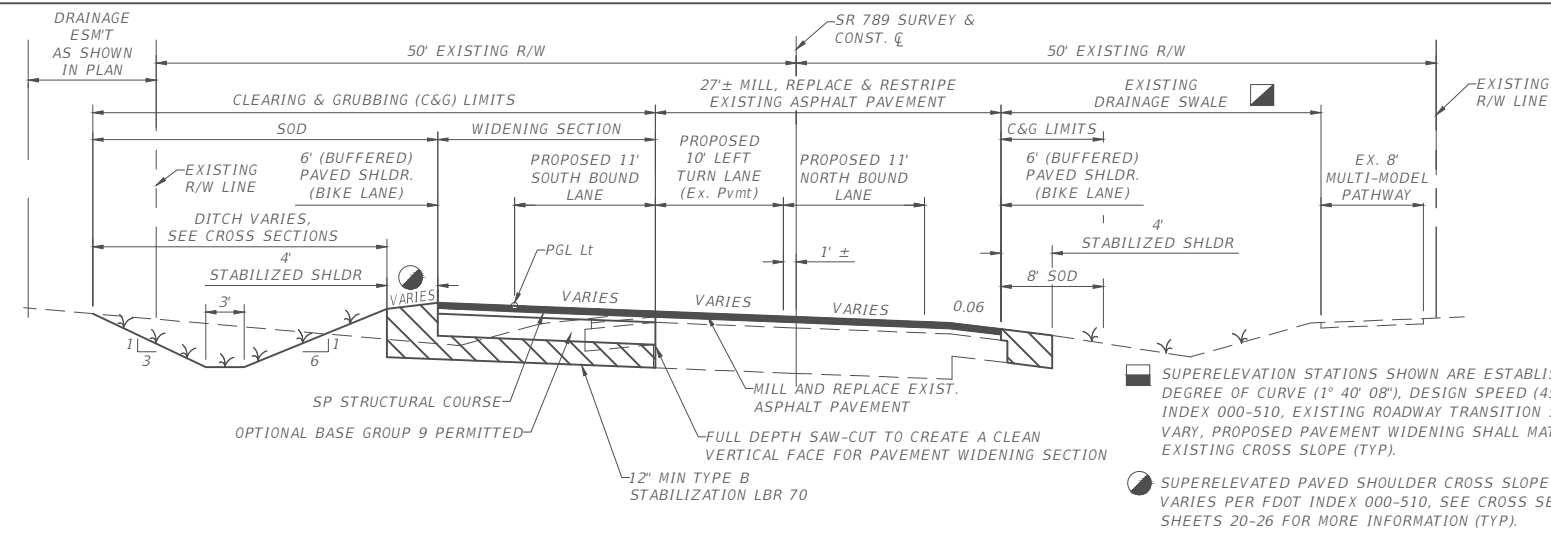
DMK Associates, Inc.

421 Commercial Court, Suite C-D

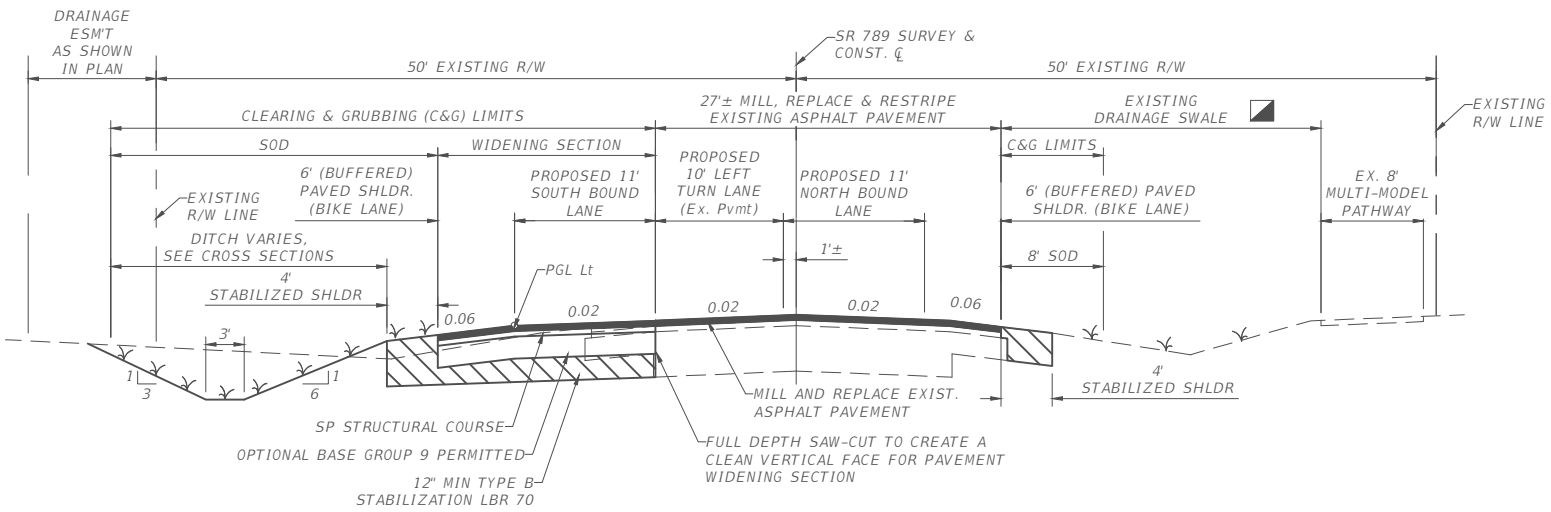
Venice, FL. 34292

Approved
2019-A-194-00056
Curtis Vilt
11/29/2021

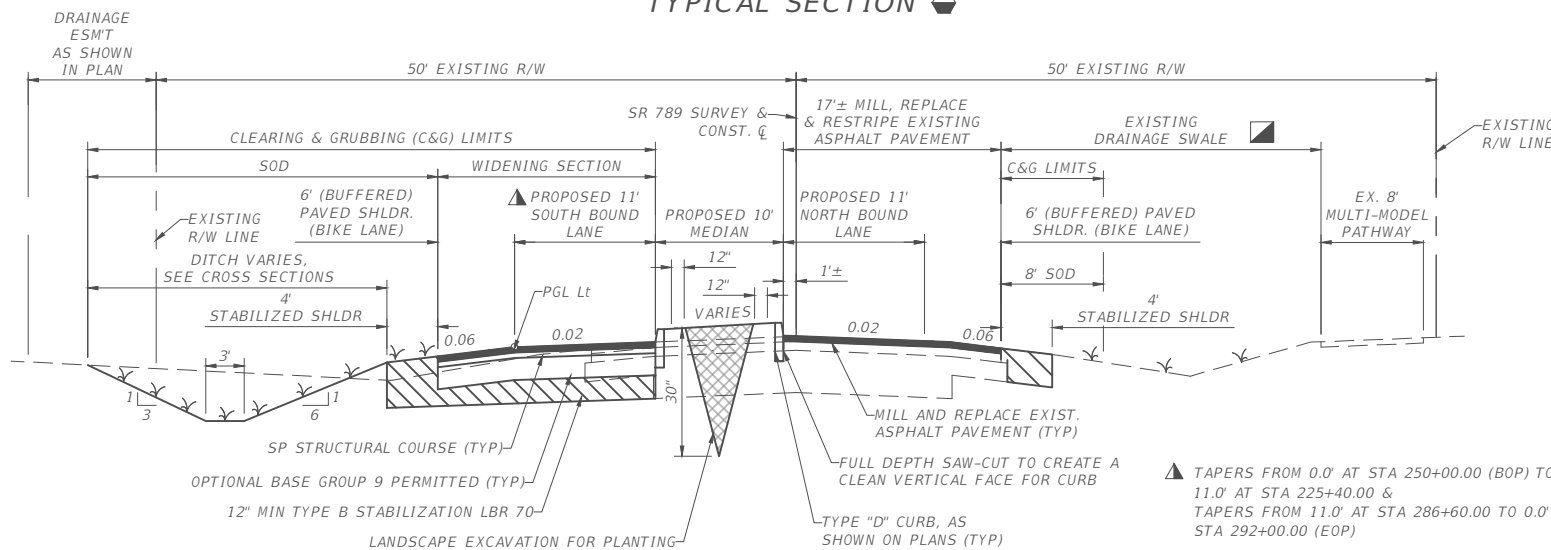
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**STANDARD SUPERELEVATED ROADWAY WIDENING
TYPICAL SECTION**



**LEFT TURN LANE & STANDARD ROADWAY WIDENING
TYPICAL SECTION**



**CURBED MEDIAN & ROADWAY WIDENING
TYPICAL SECTION**

EXISTING SWALE AND DRAINAGE APPURTENANCES TO BE PROTECTED IN-PLACE.

Actual width of base widening may vary due to actual existing pavement width. Contractor may elect to place uniform width base widening strip at no additional cost.

OPTIONAL BASE GROUP 9 COURSE PERMITTED
10" LIMEROCK BASE COURSE (LBR 100)
6" ASPHALTIC BASE CONCRETE (TYPE B-12.5)

MILLING
MILL EXISTING ASPHALT PAVEMENT (1" AVG. DEPTH)

RESURFACING
FRICTION COURSE FC-9.5 (PG 76-22) (1")

WIDENING
12" TYPE B STABILIZATION (LBR 70)
OPTIONAL BASE GROUP 9 WITH
TYPE SP STRUCTURAL COURSE (TRAFFIC C) (1½") w/
FRICTION COURSE FC-9.5 (PG 76-22) (1")

TRAFFIC DATA

CURRENT YEAR	= 2019	AADT = 13,600
ESTIMATED OPENING YEAR	= 2025	AADT = 14,295
ESTIMATED DESIGN YEAR	= 2030	AADT = 15,022
K = 10.4% D = 52.5% T = 4.8% (24 HOUR)		
DESIGN HOUR T = 2.4%		

EXISTING DESIGN SPEED = 45 MPH
EXISTING POSTED SPEED = 45 MPH

PROPOSED DESIGN SPEED = 40 MPH
PROPOSED POSTED SPEED = 40 MPH

TYPICAL SECTION STATION

- 247+77.38 to 253+33.10
- 253+33.10 to 254+48.47
- 254+48.47 to 256+88.16
- 256+88.16 to 258+15.26
- 258+15.26 to 276+48.18
- 276+48.18 to 278+02.10
- 278+02.10 to 280+53.12
- 280+53.12 to 281+82.52
- 281+82.52 to 284+45.80
- 284+45.80 to 289+08.50
- 289+08.50 to 291+25.00
- 291+25.00 to 293+25.00 SEE SHEET 6

ROADWAY PLANS
ENGINEER OF RECORD: JOHN K. PARI, P.E.
P.E. NO. 56368

F:\Projects\2016\16-0280 L&K RFP 16-01\016-ft-Bike-Lane\12345678910-Roadway\TYPSE001.dwg

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

DMK ASSOCIATES, INC.
421 COMMERCIAL CT, SUITE C
VENICE, FL 34292
PHONE: 941-412-1293
FAX: 941-412-1043
JOHN K. PARI, P.E.
P.E. No. 56368
CA No: 3943

TOWN OF LONGBOAT KEY		
ROAD NO.	COUNTY	FINAL PROJECT ID
SR 789	SARASOTA	N/A

Approved
2019-A-194-00056
Curtis VII
11/29/2021
SHEET NO. 5

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.

SPEED ZONE STUDY

SR 789 from New Pass Bridge to Longboat Pass Bridge

Section 17030401 - MP 0.363 to 0.648

Section 17030000 – MP 3.870 to 8.957

Section 13080000 – MP 0.000 to 4.545

Longboat Key, Florida

Prepared for:



Florida Department of Transportation

District 1 Traffic Operations

801 North Broadway Avenue

Bartow, Florida 33830

Districtwide Contract for Traffic Operations

Financial Project ID: 198346-1-32-05

Contract No.: C-9V53

Task Work Order: 099

Prepared by:

Stantec Consulting Services Inc.

6900 Professional Parkway East

Sarasota, Florida 34240

April 2020

Approved
2019-A-194-00056
Curtis Vilt
11/29/2021

Introduction

The Florida Department of Transportation (FDOT) has retained Stantec under a subconsultant agreement with ICON Consultant Group to conduct a Speed Zone Study for SR 789 from New Pass Bridge to Longboat Pass Bridge in Longboat Key, Florida. Vehicle spot speed data was collected for 24-hours at five locations along SR 789 as shown in **Figure 1**. A location description of each speed study location is shown in **Table 1**.

The study was conducted in accordance with the guidelines and procedures outlined in the FDOT publication *Speed Zoning for Highways, Roads & Streets in Florida (Speed Manual)*, FDOT's *Manual on Uniform Traffic Studies (MUTS)*, the *Manual on Uniform Traffic Control Devices (MUTCD)*, and the *FDOT Design Manual*.

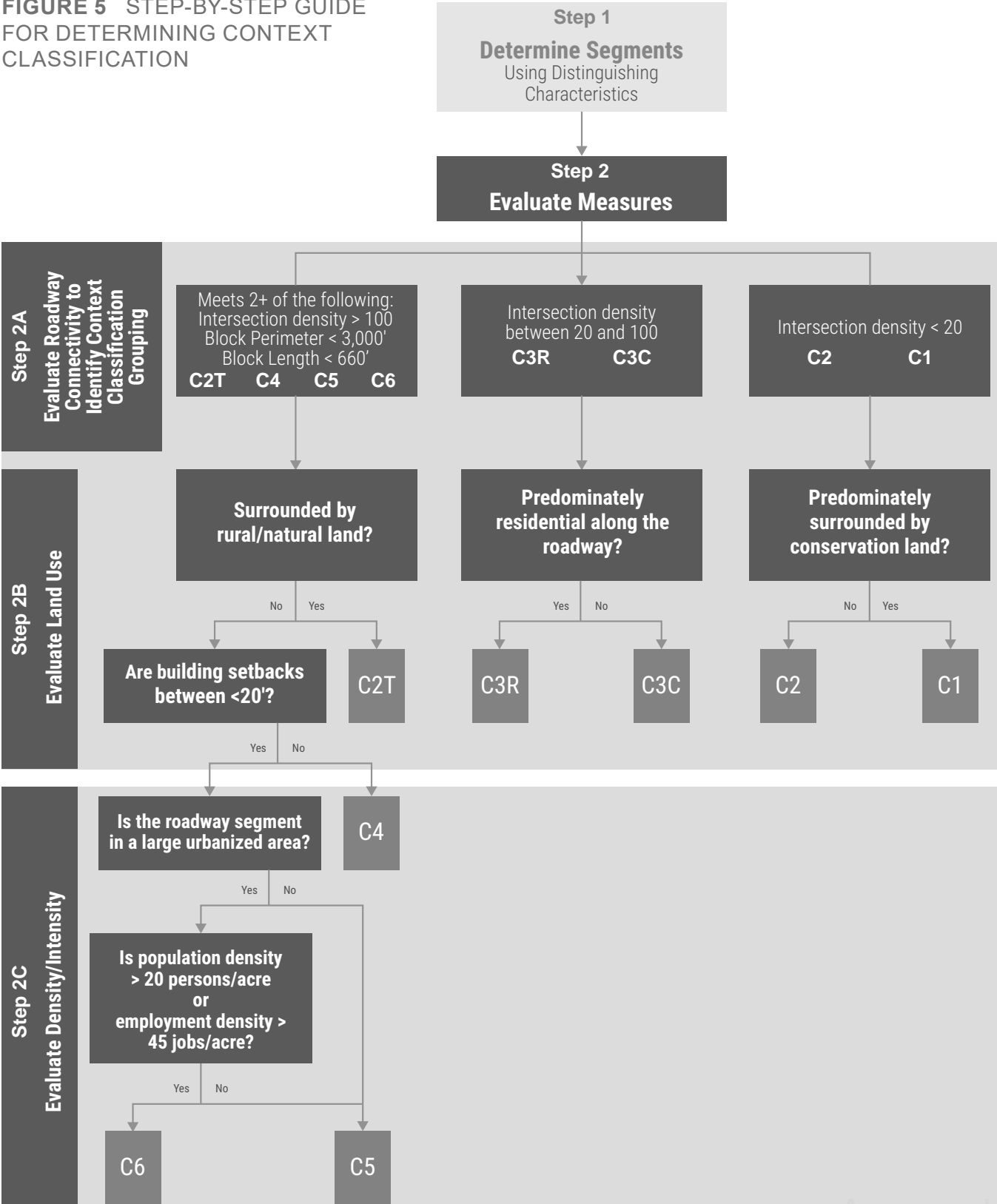


Source: Open Street Map

Figure 1: Study Location Map



FIGURE 5 STEP-BY-STEP GUIDE FOR DETERMINING CONTEXT CLASSIFICATION



Approved
2019-A-194-00056
Curtis Vilt
11/29/2021

TABLE 1 CONTEXT CLASSIFICATION MATRIX

(2 A/B) Primary Measures

Context Classification	(1) Distinguishing Characteristics	Roadway Connectivity			Land Use Description
		Intersection Density	Block Perimeters	Block Length	
		Intersections/ Square Mile	Feet	Feet	
C1-Natural	Lands preserved in a natural or wilderness condition, including lands unsuitable for settlement due to natural conditions.	N/A	N/A	N/A	Conservation Land, Open Space, and/or Park
C2-Rural	Sparsely settled lands; may include agricultural land, grassland, woodland, and wetlands.	<20	N/A	N/A	Agricultural and/or Single-Family Residential
C2T-Rural Town	Small concentrations of developed areas immediately surrounded by rural and natural areas; includes many historic towns.	>100	<3,000	<500	Retail, Office, Single-Family Residential, Multi-Family Residential, Institutional, and/or Industrial
C3R-Suburban Residential	Mostly residential uses within large blocks and a disconnected or sparse roadway network.	<100	N/A	N/A	Single-Family and/or Multi-Family Residential
C3C-Suburban Commercial	Mostly non-residential uses with large building footprints and large parking lots within large blocks and a disconnected or sparse roadway network.	<100	>3,000	>660	Retail, Office, Multi-Family Residential, Institutional, and/or Industrial
C4-Urban General	Mix of uses set within small blocks with a well-connected roadway network. May extend long distances. The roadway network usually connects to residential neighborhoods immediately along the corridor or behind the uses fronting the roadway.	>100	<3,000	<500	Single-Family or Multi-Family Residential, Institutional, Neighborhood Scale Retail, and/or Office
C5-Urban Center	Mix of uses set within small blocks with a well-connected roadway network. Typically concentrated around a few blocks and identified as part of a civic or economic center of a community, town, or city.	>100	<2,500	<500	Retail, Office, Single-Family or Multi-Family Residential, Institutional, and/or Light Industrial
C6-Urban Core	Areas with the highest densities and building heights, and within FDOT classified Large Urbanized Areas (population >1,000,000). Many are regional centers and destinations. Buildings have mixed uses, are built up to the roadway, and are within a well-connected roadway network.	>100	<2,500	<660	Retail, Office, Institutional, and/or Multi-Family Residential

The thresholds presented in Table 1 are based on the following sources, with modifications made based on Florida case studies:

- 1) *2008 Smart Transportation Guidebook: Planning and Designing Highways and Streets that Support Sustainable and Livable Communities*, New Jersey Department of Transportation and Pennsylvania Department of Transportation;
- 2) *2012 Florida TOD Guidebook*, Florida Department of Transportation;

A-100
2019-A-194-00856

Curtis Vilt

1/29/2021



Florida Department of Transportation

RON DESANTIS
GOVERNOR

801 North Broadway Avenue
Bartow, Florida 33830

KEVIN J. THIBAUT, P.E.
SECRETARY

MEMORANDUM

DATE: July 23, 2021

TO: Mark Peronto, District Roadway Design Engineer
Brent Setchell, District Drainage Design Engineer
Andra Diggs, District Structures Design Engineer
James (Hawk) Myers, District Surveyor and Mapper
Wayne Shelton, District Utility Administrator
Benjamin Clayton, District Consultant Project Management Engineer

FROM: Kevin Ingle, District Design Engineer

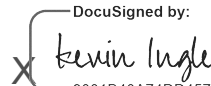
SUBJECT: Delegation of Authority for Kevin Ingle

I will be acting as the Interim Director of Transportation Development beginning Friday, July 16, 2021, through Friday, August 13, 2021.

I delegate authority to Mark Peronto, District Roadway Design Engineer to act on my behalf and to sign all documents within my authorization which may be delegated pursuant to Florida Statutes in my absence on Friday, July 16, 2021 – Friday August 13, 2021. You are delegated signature and approval authority for Cost Center 152 during absence from the office. Signature should be made “in your name for the District Design Engineer”

Please ensure all documents requiring signature or approval under this delegation are forwarded to my office for proper coordination prior to signing and provide a reading file copy of any documents you sign.

In the event that the DDE returns to his position prior to the expiration of this delegation of authority, said delegation automatically expires.

DocuSigned by:

3001B40A74DD457...

7/23/2021 | 11:40

Kevin Ingle, District Design Engineer

SUBMITTAL/APPROVAL LETTER

To: Mark L. Peronto, P.E.
District or Turnpike Design Engineer

Date: 7/28/2021

Financial Project ID: 2019-A-194-00056 New Const. RRR

Federal Aid Number: _____

Project Name: Longboat Key Turn Lanes

State Road Number: SR 789 Co./Sec./Sub. _____

Begin Project MP: 4.188 End Project MP: 5.047

FHWA Project of Division Interest: Yes No

Request for: Design Exception Design Variation

Community Aesthetic Feature: Conceptual Final

Re-submittal: Yes No Original Ref# _____ - _____

Requested for the following element(s):

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Design Speed | <input type="checkbox"/> Lane Width | <input type="checkbox"/> Shoulder Width | <input type="checkbox"/> Cross Slope |
| <input type="checkbox"/> Design Loading Structural Capacity | <input type="checkbox"/> Vertical Clearance | <input type="checkbox"/> Maximum Grade | <input type="checkbox"/> Stopping Sight Distance |
| <input type="checkbox"/> Superelevation | <input type="checkbox"/> Horizontal Curve Radius | <input type="checkbox"/> Other <u>Left turn Lane width</u> | |

This design variation is for reducing the width of the left turn lane from 11' to 10'.

Recommended by: [Signature] Date 7/28/21

Responsible Professional Engineer or Landscape Architect (Landscape-Only Projects)

Approvals:

Mark L Peronto Digitally signed by Mark L Peronto Date: 2021.07.29 15:46:32 -04'00' Date _____

District or Turnpike Design Engineer

Date _____

State Roadway Design Engineer

Date _____

Chief Engineer

Date _____
District Structures Design Engineer

Date _____

State Structures Design Engineer

Date _____

FHWA Division Administrator

Approved
2019-A-194-00056
Curtis Vilt
11/29/2021

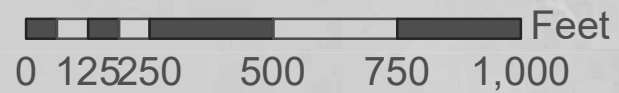
SR 789 LONGBOAT KEY TURN LANES



NORTHERLY PROJECT LIMIT

POSTED SPEED LIMIT 45 MPH

SOUTHERLY PROJECT LIMIT



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

DESIGN VARIATION: Left Turn Lane Width
Description: SR 789 from Channel Lane to Longboat Club Road
County: Sarasota County – Town of Longboat Key
FPID – None

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Attachments:

100% Design Plans

DESIGN VARIATION: Left Turn Lane Width

Description: SR 789 from Channel Lane to Longboat Club Road

County: Sarasota County – Town of Longboat Key

FPID – None

1. PROJECT DESCRIPTION

The project will add left turn lanes and landscaped medians for a segment of SR 789 (Gulf of Mexico Drive) from Channel Lane to Longboat Club Road, approximately 0.84 miles. **Refer to the Key sheet No. K-1 of the plans. Refer to overall project exhibit, attached.**

SR 789 is a two-lane undivided roadway in the Town of Longboat Key in Sarasota County with a design and posted speed limits of 45 mph. The existing travel lanes are 12 feet wide with existing 4 feet paved shoulders w/ symbol markings for bike lanes.

SR 789 is approximately 2.0 miles from St. Armand’s Circle to 900 feet south of Channel Lane with a posted speed limit of 35 mph. SR 789 is approximately 4.6 miles from 900 feet south of Channel Lane to Manatee County line with a design and posted speed limit of 45 mph. The functional classification of SR 789 is a major collector within the Urban Boundary of Sarasota County. We believe a Context Classification of C4-Urban General best fits this roadway within the project area based on the FDOT Design Manual Table 200.4.1.

The proposed improvements for this project include the following items:

- Add 12 feet wide pavement on the southbound side of the roadway for an ultimate typical section configuration of 44 feet wide pavement consisting of two 11 feet travel lanes, 10 feet left turn lane, and two six feet wide paved shoulders w/ double 6-inch white edge lines and symbol markings for bike lanes. Five landscaped median islands are also proposed. **Refer to the typical sections, attached.**

2. PROJECT SCHEDULE AND LIFE SPAN

1. The project has been prioritized by the Town of Longboat Key and by the Sarasota-Manatee MPO. It was recently added to the 5-year Work Program in year 2025. The project is funded for construction in the FDOT Work Program for FY 2024/2025 (July 1, 2024 through June 30, 2025). Project life span is 20 years.
2. The Speed Zone Study completed by Stantec dated 4/20, identified the need for the project. Figure 1 Location study map indicates this project is in location one, designated from New Pass to Harbourside Drive. Table 4 in the speed study indicates that the 85th percentile speed within location one is 43 mph in both the northbound and southbound directions. Table 10 in the speed study indicates that the streetlight 85th

DESIGN VARIATION: Left Turn Lane Width

Description: SR 789 from Channel Lane to Longboat Club Road

County: Sarasota County – Town of Longboat Key

FPID – None

percentile travel speed by month was highest from May to October with a travel speed of 40 mph in the northbound direction. In the southbound direction, the monthly streetlight 85th percentile travel speed was highest in June and September with a travel speed of 42 mph. A copy of Table 4 and Table 10 are attached with this submittal.

3. VARIATION DESCRIPTION

3.1 Design Criteria

FDOT - The minimum Auxiliary Lane width for a roadway with a design speed of 40 mph is **11 feet** per FDOT Design Manual (FDM), Part 2, Chapter 210, Table 210.2.1.

Note: Per team meeting on 2/10/21 with FDOT officials, the Department’s recommended target speed is 40 MPH.

3.2 Proposed Criteria

AASHTO - The minimum Auxiliary Lane width per AASHTO Criteria, FDOT Design Manual (FDM), Part 1, Chapter 122, Table 122.5.2 for an Urban Collector is **10 feet**. Refer to pg. 6-13, AASHTO 6th Edition, 2011.

A 10 feet wide left turn lane that meets AASHTO minimum criteria with curbed or striped medians. **Refer to the typical sections, attached.**

4. ALTERNATIVES DESIGN CONSIDERED/COSTS

- a) An urban section with closed drainage and curbing was considered as a design option. However, this was considered too expensive. In addition, the Town of Longboat Key has envisioned this segment of SR 789 as a Thoroughfare with landscaped islands and no curbing / piping.

Note: additional 1 foot of pavement to accommodate a 11-foot-wide left turn lane will decrease the available clear zone to adjacent grand trees. Per Sarasota County, ordinance 2011-023, grand trees are protected.

5. IMPACTS OF THE DESIGN VARIATION

5.1 Safety Performance

An evaluation of the crash reports from the most recent crash data (2013 to 2017) obtained from the Department shows there were a total 18 crashes within the project

DESIGN VARIATION: Left Turn Lane Width

Description: SR 789 from Channel Lane to Longboat Club Road

County: Sarasota County – Town of Longboat Key

FPID – None

limits. The crash reports show that there were no fatalities and couple of minor injury. There were 4 “sideswipes” crashes attributed to vehicles slowing down to make a left turn to the side streets. There were 6 “Front to rear” crashes where traffic slowed, and the trailing vehicle failed to slow down on time. One crash was contributed to a vehicle

slowing down for a pedestrian crossing the road. There were 2 crashes involved “Run-off the road”. Other crashed were minor in nature. Based on the crash data review, the introduction of left turn lanes and landscape median islands with a Type “D” curb will reduce the number of crashes. The narrowed left turn lane from 11’ to 10’ should reduce travel speed. This Design Variation will have a positive impact on safety.

5.2 Operational Performance

The 2019 traffic data shows a 13,600 AADT for this segment. Changing the typical section to include left turn lanes and raised medians will enhance the operation and performance of the roadway. The proposed median and left turn lane will improve through movement operation by moving turning vehicles out of through lanes, provide space for landscaping and other aesthetic treatments, reduce headlight glare distraction, help maintain roadway operating speed which in turn reduces fuel consumption and carbon emissions.

5.3 Effects on Capacity

The addition of a left-turn lane increases the roadway capacity by removing left-turn movements from the through traffic stream. Raised medians with left-turn lanes at intersections help maintain roadway operating speed and improve capacity.

5.4 Right of Way

The existing right of way width is 100 feet wide. The impact of the proposed 10 feet left turn lane includes an easement on the west side starting at approximate Sta. 259+20 to Sta. to Sta. 268+80, or 960 feet. The easement varies in width from 5 feet to 20 feet. Adding one foot to the width of the turn lane will require additional encroachment onto the golf course fairway and encroachment into the maintenance access to an existing stormwater facility across Schooner Lane at Sta. 259+20 to Sta. 260+00. An additional 1’ of right of way acquisition may have a negative effect on R/W negotiations. **Refer to plan sheets No. 11,12 and 13.**

DESIGN VARIATION: Left Turn Lane Width

Description: SR 789 from Channel Lane to Longboat Club Road

County: Sarasota County – Town of Longboat Key

FPID – None

5.5 Community

The design variation has no adverse impacts on the community rather a positive one. It will allow for the safe turning movement to the residents and reduce the number of crashes. An 11 feet width turn lane will have additional impacts to the golf course by

pushing further the golf cart path onto the fairway and will negatively impact the grand banyan trees that are considered a heritage for the Town of Longboat Key.

5.6 Environment

The turn lanes will reduce fuel consumption and carbon emissions. The design variation will have no adverse impacts on the environment rather a positive one.

5.7 Usability by All Modes of Transportation

This roadway corridor is utilized by all modes of transportation including Sarasota County Area Transit (SCAT) service. The addition of the turn lane will provide a safe area for pedestrians to cross the road to get to the bus stop. The reduced left turn lane width does not affect usability and safety of the roadway.

6. MITIGATION MEASURES

Mitigation measures include curbed and raised landscaped medians, a reduced left turn lane width from 11 feet to 10 feet, painted curbed noses, that collectively provide for the proper mitigation.

7. SUMMARY / CONCLUSION

Due to community impacts, and increased funding for a Right of Way acquisition, we recommend the left turn lane width be reduced from 11 feet to 10 feet to accommodate new left turn lanes that also meet AASHTO design criteria. Therefore, we would like to request that the Design Variation be approved.

Recommended by

John K. Pari
Digitally signed by John K. Pari
DN:
E=jpari@dmkassoc.com,
CN=John K. Pari,
OU=Engineering, O="DMK ASSOCIATES, INC.",
L=Venice, S=Florida, C=US
Date: 2021.07.29
11:37:32-0400'

Date 7/29/21

Responsible Professional Engineer

Approved
2019-A-194-00056
Curtis Vilt
11/29/2021

DESIGN VARIATION: Left Turn Lane Width

Description: SR 789 from Channel Lane to Longboat Club Road

County: Sarasota County – Town of Longboat Key

FPID – None

John K. Pari

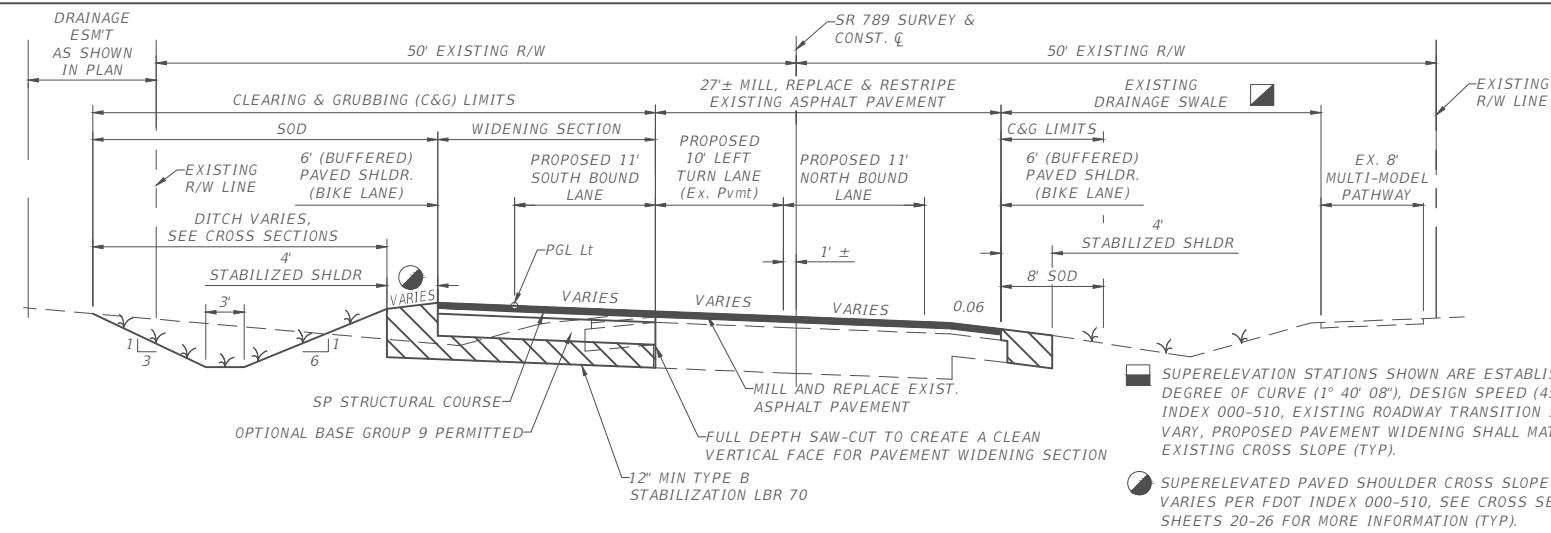
PE No. 56368

DMK Associates, Inc.

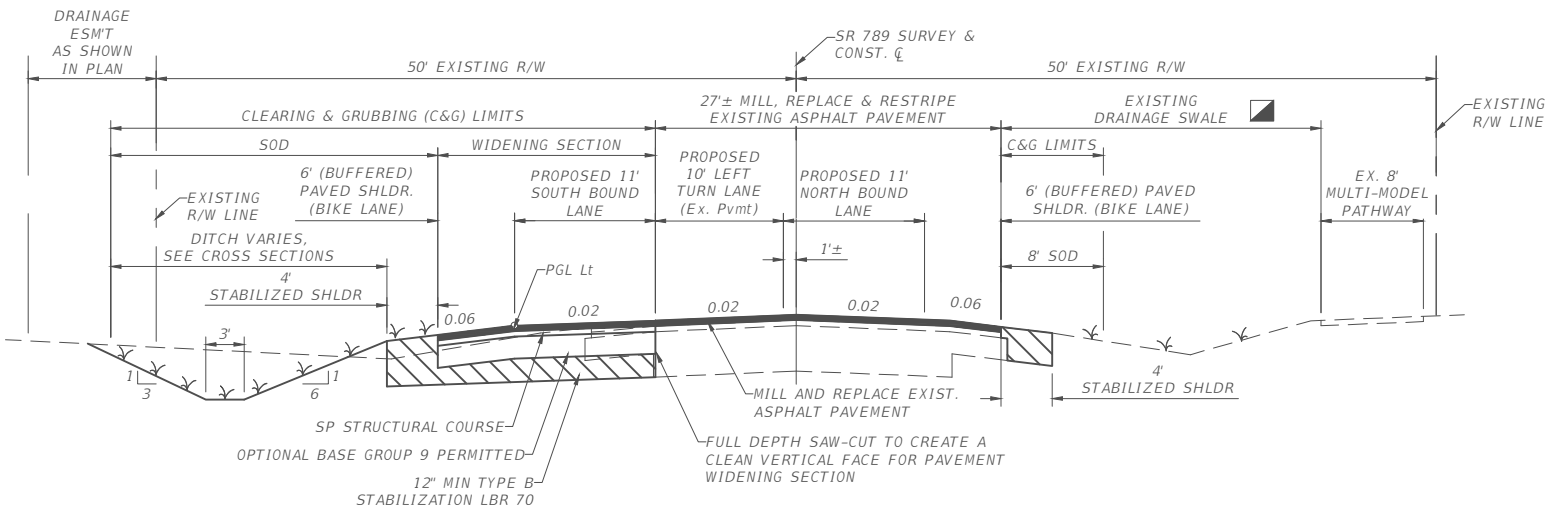
421 Commercial Court, Suite C-D

Venice, FL. 34292

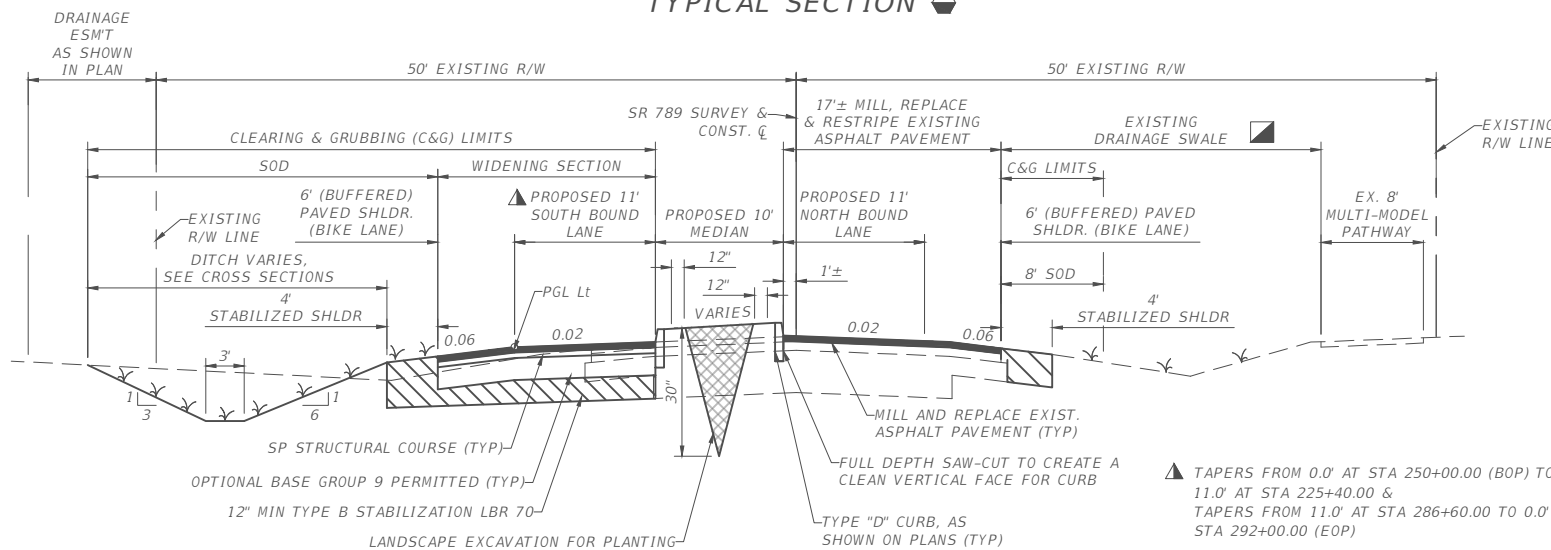
11/17/2020 7:57:34 AM



**STANDARD SUPERELEVATED ROADWAY WIDENING
TYPICAL SECTION**



**LEFT TURN LANE & STANDARD ROADWAY WIDENING
TYPICAL SECTION**



**CURBED MEDIAN & ROADWAY WIDENING
TYPICAL SECTION**

EXISTING SWALE AND DRAINAGE APPURTENANCES TO BE PROTECTED IN-PLACE.

Actual width of base widening may vary due to actual existing pavement width. Contractor may elect to place uniform width base widening strip at no additional cost.

OPTIONAL BASE GROUP 9 COURSE PERMITTED
10" LIMEROCK BASE COURSE (LBR 100)
6" ASPHALTIC BASE CONCRETE (TYPE B-12.5)

MILLING
MILL EXISTING ASPHALT PAVEMENT (1" AVG. DEPTH)

RESURFACING
FRICTION COURSE FC-9.5 (PG 76-22) (1")

WIDENING
12" TYPE B STABILIZATION (LBR 70)
OPTIONAL BASE GROUP 9 WITH
TYPE SP STRUCTURAL COURSE (TRAFFIC C) (1½") w/
FRICTION COURSE FC-9.5 (PG 76-22) (1")

TRAFFIC DATA

CURRENT YEAR	= 2019	AADT = 13,600
ESTIMATED OPENING YEAR	= 2025	AADT = 14,295
ESTIMATED DESIGN YEAR	= 2030	AADT = 15,022
K = 10.4% D = 52.5% T = 4.8% (24 HOUR)		
DESIGN HOUR T = 2.4%		

EXISTING DESIGN SPEED = 45 MPH
EXISTING POSTED SPEED = 45 MPH

PROPOSED DESIGN SPEED = 40 MPH
PROPOSED POSTED SPEED = 40 MPH

TYPICAL SECTION STATION

- 247+77.38 to 253+33.10
- 253+33.10 to 254+48.47
- 254+48.47 to 256+88.16
- 256+88.16 to 258+15.26
- 258+15.26 to 276+48.18
- 276+48.18 to 278+02.10
- 278+02.10 to 280+53.12
- 280+53.12 to 281+82.52
- 281+82.52 to 284+45.80
- 284+45.80 to 289+08.50
- 289+08.50 to 291+25.00
- 291+25.00 to 293+25.00 SEE SHEET 6

ROADWAY PLANS
ENGINEER OF RECORD: JOHN K. PARI, P.E.
P.E. NO. 56368

F:\Projects\2016\16-0280 L&K RFP 16-01\016-01-Bike-Lane\12345678910-Roadway\TYPSE001.dwg

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

DMK ASSOCIATES, INC.
421 COMMERCIAL CT, SUITE C
VENICE, FL 34292
PHONE: 941-412-1293
FAX: 941-412-1043
JOHN K. PARI, P.E.
P.E. No. 56368
CA No: 3943

TOWN OF LONGBOAT KEY		
ROAD NO.	COUNTY	FINAL PROJECT ID
SR 789	SARASOTA	N/A

Approved
2019-A-194-00056
Curtis VII
11/29/2021
SHEET NO. 5

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.

SPEED ZONE STUDY

SR 789 from New Pass Bridge to Longboat Pass Bridge

Section 17030401 - MP 0.363 to 0.648

Section 17030000 – MP 3.870 to 8.957

Section 13080000 – MP 0.000 to 4.545

Longboat Key, Florida

Prepared for:



Florida Department of Transportation

District 1 Traffic Operations

801 North Broadway Avenue

Bartow, Florida 33830

Districtwide Contract for Traffic Operations

Financial Project ID: 198346-1-32-05

Contract No.: C-9V53

Task Work Order: 099

Prepared by:

Stantec Consulting Services Inc.

6900 Professional Parkway East

Sarasota, Florida 34240

April 2020

Approved
2019-A-194-00056
Curtis Vilt
11/29/2021

Introduction

The Florida Department of Transportation (FDOT) has retained Stantec under a subconsultant agreement with ICON Consultant Group to conduct a Speed Zone Study for SR 789 from New Pass Bridge to Longboat Pass Bridge in Longboat Key, Florida. Vehicle spot speed data was collected for 24-hours at five locations along SR 789 as shown in **Figure 1**. A location description of each speed study location is shown in **Table 1**.

The study was conducted in accordance with the guidelines and procedures outlined in the FDOT publication *Speed Zoning for Highways, Roads & Streets in Florida (Speed Manual)*, FDOT's *Manual on Uniform Traffic Studies (MUTS)*, the *Manual on Uniform Traffic Control Devices (MUTCD)*, and the *FDOT Design Manual*.



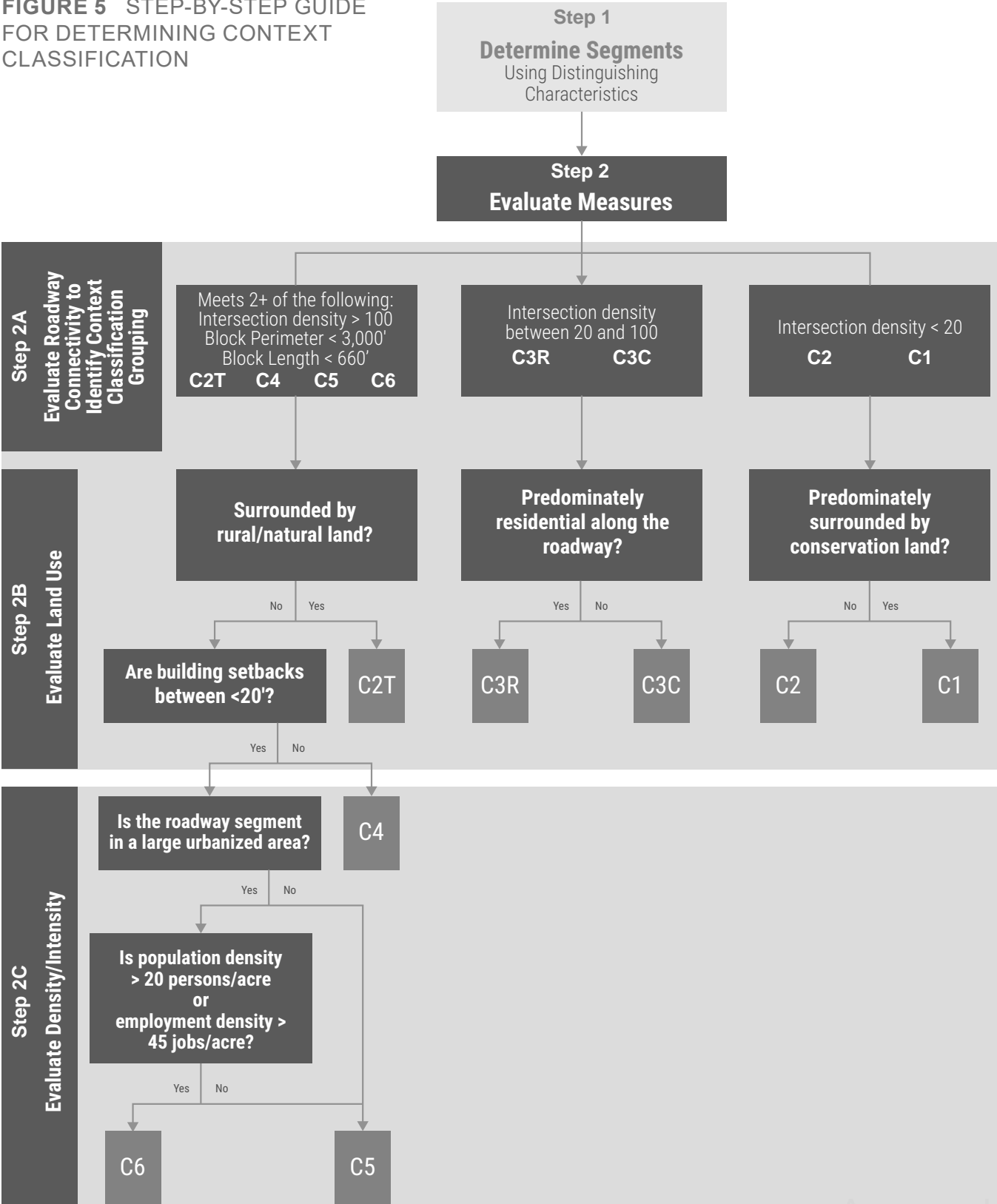
Source: Open Street Map

Figure 1: Study Location Map

Approved
2019-A-194-00056
Curtis Vilt
11/29/2021



FIGURE 5 STEP-BY-STEP GUIDE FOR DETERMINING CONTEXT CLASSIFICATION



Approved
2019-A-194-00056
Curtis Vilt
11/29/2021

TABLE 1 CONTEXT CLASSIFICATION MATRIX

(2 A/B) Primary Measures

Context Classification	(1) Distinguishing Characteristics	Roadway Connectivity			Land Use Description
		Intersection Density	Block Perimeters	Block Length	
		Intersections/ Square Mile	Feet	Feet	
C1-Natural	Lands preserved in a natural or wilderness condition, including lands unsuitable for settlement due to natural conditions.	N/A	N/A	N/A	Conservation Land, Open Space, and/or Park
C2-Rural	Sparsely settled lands; may include agricultural land, grassland, woodland, and wetlands.	<20	N/A	N/A	Agricultural and/or Single-Family Residential
C2T-Rural Town	Small concentrations of developed areas immediately surrounded by rural and natural areas; includes many historic towns.	>100	<3,000	<500	Retail, Office, Single-Family Residential, Multi-Family Residential, Institutional, and/or Industrial
C3R-Suburban Residential	Mostly residential uses within large blocks and a disconnected or sparse roadway network.	<100	N/A	N/A	Single-Family and/or Multi-Family Residential
C3C-Suburban Commercial	Mostly non-residential uses with large building footprints and large parking lots within large blocks and a disconnected or sparse roadway network.	<100	>3,000	>660	Retail, Office, Multi-Family Residential, Institutional, and/or Industrial
C4-Urban General	Mix of uses set within small blocks with a well-connected roadway network. May extend long distances. The roadway network usually connects to residential neighborhoods immediately along the corridor or behind the uses fronting the roadway.	>100	<3,000	<500	Single-Family or Multi-Family Residential, Institutional, Neighborhood Scale Retail, and/or Office
C5-Urban Center	Mix of uses set within small blocks with a well-connected roadway network. Typically concentrated around a few blocks and identified as part of a civic or economic center of a community, town, or city.	>100	<2,500	<500	Retail, Office, Single-Family or Multi-Family Residential, Institutional, and/or Light Industrial
C6-Urban Core	Areas with the highest densities and building heights, and within FDOT classified Large Urbanized Areas (population >1,000,000). Many are regional centers and destinations. Buildings have mixed uses, are built up to the roadway, and are within a well-connected roadway network.	>100	<2,500	<660	Retail, Office, Institutional, and/or Multi-Family Residential

The thresholds presented in Table 1 are based on the following sources, with modifications made based on Florida case studies:

- 1) *2008 Smart Transportation Guidebook: Planning and Designing Highways and Streets that Support Sustainable and Livable Communities*, New Jersey Department of Transportation and Pennsylvania Department of Transportation;
- 2) *2012 Florida TOD Guidebook*, Florida Department of Transportation;

A-100-30
2019-A-194-00856

Curtis Vilt

1/29/2021



An Equal
Opportunity
Employer

Southwest Florida Water Management District

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

TDD only: 1-800-231-6103 (FL only)

On the Internet at WaterMatters.org

May 16, 2019

Town of Longboat Key Public Works Department
Attn: Isaac Brownman
600 General Harris St.
Longboat Key, FL 34228

Subject: **Project Evaluation - Project Exempt**
Project Name: Longboat Key Turn Lane
File Number: 784074
County: Sarasota
Sec/Twp/Rge: S21/T36S/R17E

Reference: Rule 62-330, Florida Administrative Code (F.A.C.)

Dear Mr. Brownman:

The District has reviewed the information you submitted for the project referenced above and has determined that an Environmental Resource Permit (ERP) **will not be required** for the proposed addition of turn lanes along Gulf of Mexico Drive, widening of the roadway (no additional through traffic lanes), and replacement of roadside swales. [Rule 62-330.051(4)(c), F.A.C.]

The information received by the District will be kept on file to support the District's determination regarding your application. This information is available for viewing or downloading through the District's Application and Permit Search Tools located at www.WaterMatters.org/permits.

The District's determination that your project does not require an ERP is only applicable pursuant to the statutes and rules in effect at the time the information was submitted and may not be valid in the event subsequent changes occur in the applicable rules and statutes. Additionally, this notification does not mean that the District has determined that your project is permanently exempt from permitting requirements. Any subsequent change you make in the project's operation may necessitate further evaluation or permitting by the District. Therefore, you are advised to contact the District before beginning the project and before beginning any activity which is not specifically described in your submittal. Your timely pursuit of this activity is encouraged to avoid any potential rule changes that could affect your request.

This letter constitutes notice of Intended Agency Action of the project referenced above. The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's action within the prescribed period of time following the notification. The District does not publish notices of agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Publishing notice of agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notice of agency action, as well as a noticing form that can be used is available from the District's website at www.WaterMatters.org/permits/noticing. If you publish notice of agency

action, a copy of the affidavit of publishing provided by the newspaper should be sent to the Regulation Division at the District Service Office that services this permit or other agency action, for retention in the File of Record for this agency action.

If you have questions regarding this matter, please contact Brett Bjornberg in the Tampa Service Office, extension 2247. Please reference the Project Name and Inquiry/Permit Number in future communications concerning this project.

Sincerely,

Michelle K. Hopkins, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

Enclosures: Notice of Rights
Alexandra DeUnger
cc: Kreg Maheu, P.E.
DMK Associates, Inc.

Notice of Rights

Administrative Hearing

1. You or any person whose substantial interests are or may be affected by the District's intended or proposed action may request an administrative hearing on that action by filing a written petition in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), Uniform Rules of Procedure Chapter 28-106, Florida Administrative Code (F.A.C.) and District Rule 40D-1.1010, F.A.C. Unless otherwise provided by law, a petition for administrative hearing must be filed with (received by) the District within 21 days of receipt of written notice of agency action. "Written notice" means either actual written notice, or newspaper publication of notice, that the District has taken or intends to take agency action. "Receipt of written notice" is deemed to be the fifth day after the date on which actual notice is deposited in the United States mail, if notice is mailed to you, or the date that actual notice is issued, if sent to you by electronic mail or delivered to you, or the date that notice is published in a newspaper, for those persons to whom the District does not provide actual notice.
2. Pursuant to Subsection 373.427(2)(c), F.S., for notices of intended or proposed agency action on a consolidated application for an environmental resource permit and use of sovereignty submerged lands concurrently reviewed by the District, a petition for administrative hearing must be filed with (received by) the District within 14 days of receipt of written notice.
3. Pursuant to Rule 62-532.430, F.A.C., for notices of intent to deny a well construction permit, a petition for administrative hearing must be filed with (received by) the District within 30 days of receipt of written notice of intent to deny.
4. Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days of receipt or other period as required by law waives the right to request a hearing on such matters.
5. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding District intended or proposed action is not available prior to the filing of a petition for hearing.
6. A request or petition for administrative hearing must comply with the requirements set forth in Chapter 28-106, F.A.C. A petition for a hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's intended action or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no material facts in dispute, and (3) otherwise comply with Rules 28-106.201 and 28-106.301, F.A.C. Chapter 28-106, F.A.C., can be viewed at www.flrules.org or at the District's website at www.WaterMatters.org/permits/rules.
7. A petition for administrative hearing is deemed filed upon receipt of the complete petition by the District Agency Clerk at the District's Tampa Service Office during normal business hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding District holidays. Filings with the District Agency Clerk may be made by mail, hand-delivery or facsimile transfer (fax). The District does not accept petitions for administrative hearing by electronic mail. Mailed filings must be addressed to, and hand-delivered filings must be delivered to, the Agency Clerk, Southwest Florida Water Management District, 7601 US Hwy 301, Tampa, FL 33637-6759. Faxed filings must be transmitted to the District Agency Clerk at (813) 367-9776. Any petition not received during normal business hours shall be filed as of 8:00 a.m. on the next business day. The District's acceptance of faxed petitions for filing is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, available for viewing at www.WaterMatters.org/about.

Judicial Review

1. Pursuant to Sections 120.60(3) and 120.68, F.S., a party who is adversely affected by District action may seek judicial review of the District's action. Judicial review shall be sought in the Fifth District Court of Appeal or in the appellate district where a party resides or as otherwise provided by law.
2. All proceedings shall be instituted by filing an original notice of appeal with the District Agency Clerk within 30 days after the rendition of the order being appealed, and a copy of the notice of appeal, accompanied by any filing fees prescribed by law, with the clerk of the court, in accordance with Rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure (Fla. R. App. P.). Pursuant to Fla. R. App. P. 9.020(h), an order is rendered when a signed written order is filed with the clerk of the lower tribunal.