

**BEFORE THE FLORIDA HOUSING FINANCE CORPORATION**

VILLAGE PARK SENIOR HOUSING  
PARTNERS, LTD.

Petitioner,

APPLICATION NOS. 2011-225C  
2013-009C

vs.

FHFC CASE NO.: 2014-080VW

FLORIDA HOUSING FINANCE CORP.,

Respondent.

**PETITION FOR WAIVER FROM FLORIDA  
ADMINISTRATIVE CODE RULE 67-48.004**

VILLAGE PARK SENIOR HOUSING PARTNERS, LTD. (“Village Park”) (“Petitioner”), by and through their undersigned attorney, hereby petitions the Florida Housing Finance Corporation (“Florida Housing”) for a waiver from Rule 67-48.004, Florida Administrative Code (“FAC”). This Petition is filed pursuant to Section 120.542, Florida Statutes and Chapter 28-104, Florida Administrative Code.

**THE PETITIONER**

1. The address, telephone and facsimile number of Petitioner is:

Village Park Senior Housing Partners, Ltd.  
c/o Atlantic Housing Partners  
200 East Canton Avenue, Suite 102  
Winter Park, FL 32789  
407-741-8500 (telephone)  
(407) 643-2551 (facsimile)

2. The address, telephone and facsimile number of Petitioner's attorney is:

Kerey Carpenter  
AHG Group, LLC  
700 West Morse Blvd., Suite 220  
Winter Park, FL 32789  
407-691-5605 (direct line)  
407-371-6126 (facsimile)

3. Petitioner successfully applied for financing from the Housing Credits Program in the 2011 Universal Application Cycle that Florida Housing administers pursuant to Chapter 67-48, Florida Administrative Code. Village Parks's Application Numbers are: 2011-225C and 2013-009C (forward allocation number assigned by Florida Housing) (the "Application"). Village Park applied for Housing Credits to finance a portion of the costs to construct 105 affordable units in a 105-unit multifamily rental apartment community for seniors located in Orange County, Florida, to be known as the Village Park Senior Housing f/k/a Kensington Place (the "Development").

**THE RULES FROM WHICH A WAIVER IS SOUGHT**

4. Petitioner requests a waiver from Rule 67-48.004(3), as in effect for the 2011 Universal Application Cycle. Rule 67-48.004(3) provides in relevant part as follows:

(3) Notwithstanding any other provision of these Rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempt to make changes to these items will not be accepted. Those items are as follows:

\* \* \*

(g) Development Type

8. In the Application, Petitioner identified the Development Type as Garden Apartments. Applicant is requesting to change the Development Type to Mid-Rise with Elevator (a building comprised of 4 stories). After submission of the Application and prior to final design and permitting, the City of Winter Park encouraged Petitioner to change the site plan and to use a predominantly four story building design so that the Development could incorporate a large park into the site plan. Attached are photographs and final site plans showing that the addition of this park will be a positive feature for the community and will benefit the residents.

9. It is not uncommon for development and construction changes to occur after submission of an application for Housing Credits. The proposed change to Mid-Rise (4 stories) has no adverse effect on the Development and would have had no impact on the Application's scoring or threshold criteria.

10. In light of the considerable time that it takes to develop and construct multifamily rental housing, Florida Housing's statutes and rules are designed to allow the flexibility necessary to respond to changed circumstances which might necessitate a modification in a proposed project. Florida Housing routinely approves such changes when they would not have otherwise affected the scoring of the application, because the Applicant derives no unfair advantage over its competitors in an application cycle. Indeed, the specific purpose of Rule 67-48.004(3) is to prevent an applicant from changing certain key elements in its application after reviewing the applications of its competitors, thereby allowing the applicant to gain a possible advantage.

**WAIVER WILL SERVE THE UNDERLYING PURPOSE OF THE STATUTE**

11. Florida Housing's approval of the requested waiver would serve the purpose of the underlying Florida Statute, Section 420.5093, as well as the Housing Credit Program. The purpose of both the Statute and the program is to facilitate and stimulate the development and/or preservation of multifamily rental housing that is affordable to families of limited means. If the requested waiver is granted, the Housing Credit allocation in question will be used to fund the construction of an affordable multifamily rental housing community for seniors for which there is a desperate need in the Orange County, Florida.

12. The violation of principles of fairness and imposition of a substantial hardship which would result from strict compliance with the provisions of FAC Rule 67-48.004(3), would be as follows. Unless the waiver is granted, Petitioner would not be able follow the City's recommendation to incorporate the large passive park into the site plan for the benefit of the residents and the community.

13. By granting a waiver and permitting Petitioner to revise the Development Type, Respondent would recognize the economic realities of developing, preserving and constructing affordable rental housing. This recognition would promote participation by owners and developers such as Petitioner in meeting Respondent's purpose by providing affordable housing, in an economical and efficient manner.

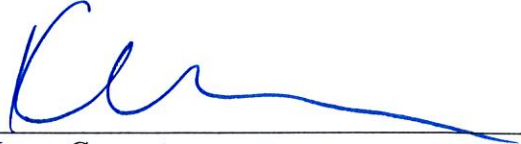
**TYPE OF WAIVER**

14. The waiver being sought is permanent in nature.

**ACTION REQUESTED**

15. Petitioners request a waiver from Rule 67-48.004(3) to permit a change in the Development Type to Mid-Rise with Elevator (a building comprised of 4 stories) as set forth in Paragraph 8 above.

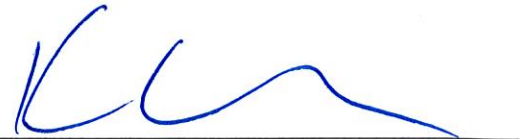
Respectfully submitted this 7<sup>th</sup> day of November, 2014.



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Florida Bar No. 963781  
Attorney for Petitioner

**CERTIFICATE OF SERVICE**

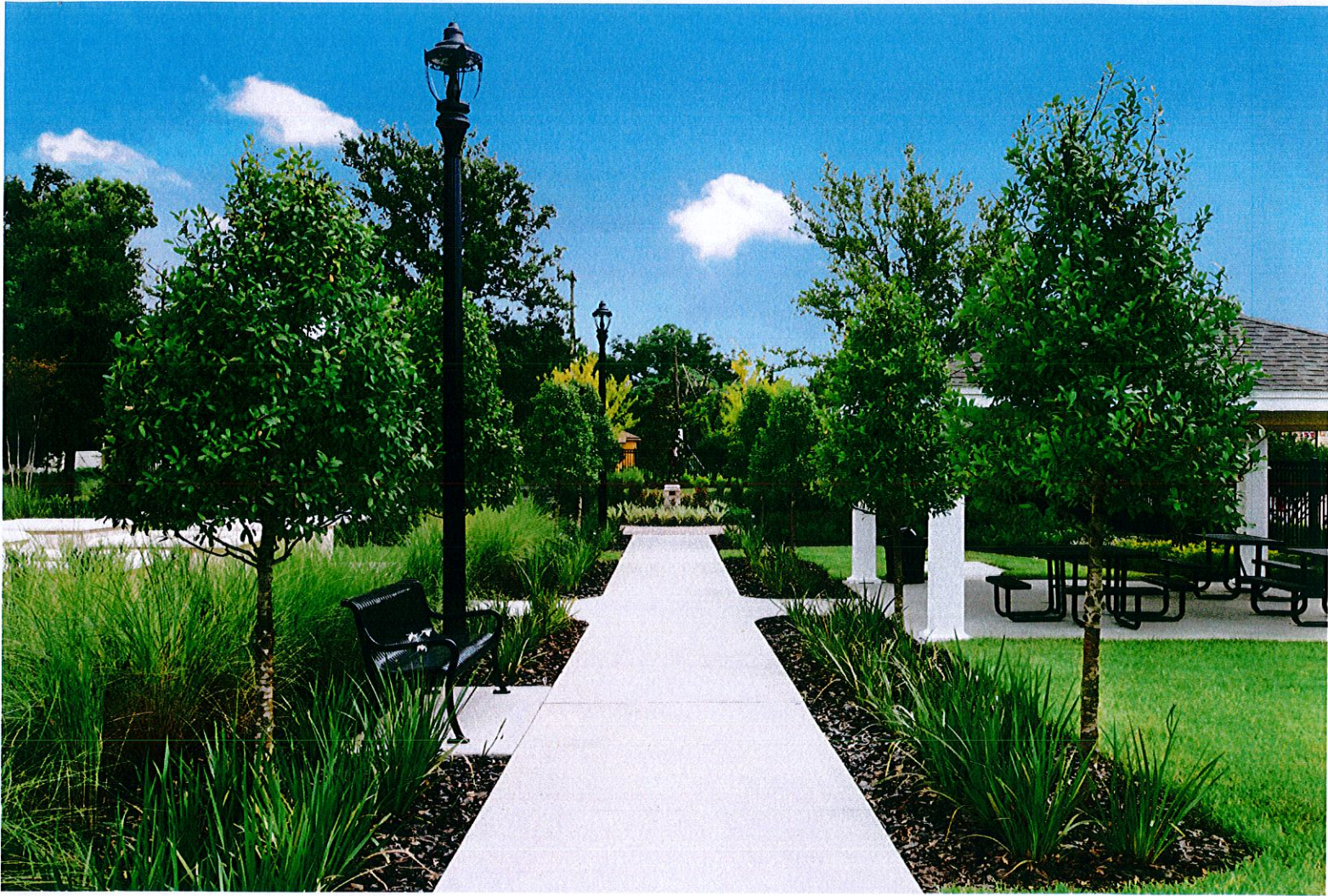
I hereby certify that an original and one copy of the foregoing Petition for Waiver have been filed with Corporation Clerk of the Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida, 32301; and that a true and correct copy of the foregoing has been furnished to the Joint Administrative Procedures Committee, Room 680 Pepper Building, 111 West Madison Street, Tallahassee, FL 32399-1400.



Kerey Carpenter























**FOSTER  
CONANT  
& ASSOCIATES**

120 West Biddleman Street Orlando, Florida 32801-1817 Phone (407) 448-1275 Fax (407) 448-1275
<ul style="list-style-type: none"> <li>▲ SHOWN - SCHEDULE FOR CONSTRUCTION</li> <li>▲ PERMITTED FOR OWNER</li> <li>▲ PERMITTED FOR ARCHITECT</li> <li>▲ PERMITTED FOR LANDSCAPE ARCHITECT</li> </ul>

VILLAGE PARK  
SENIOR HOUSING

WINTER PARK, FL

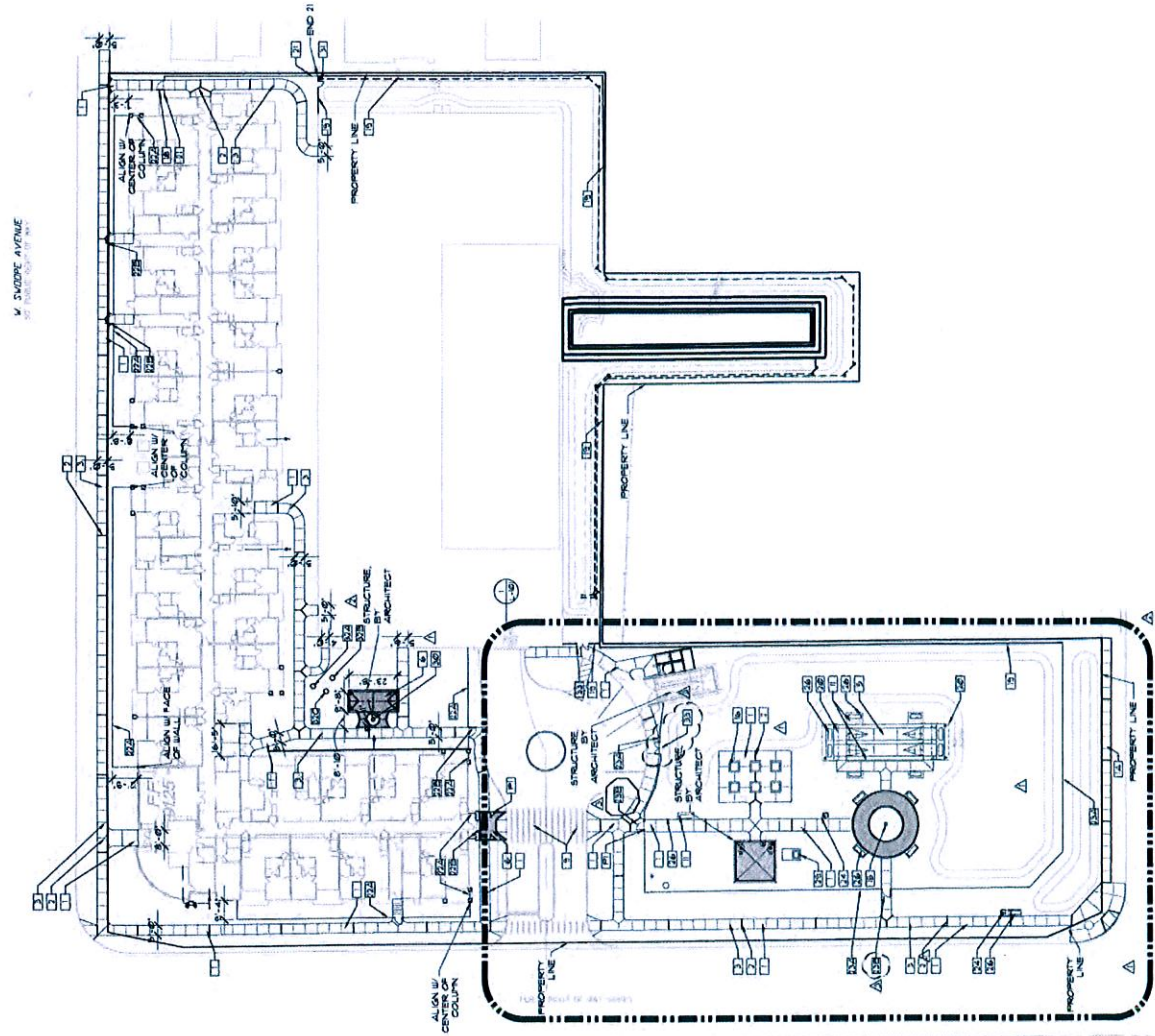
HARDSCAPE PLAN

Date	06.20.13
Time	11:30-4P
Drawn By	RSC
Checked By	DBN, JBD/DAJ



DEC 15 2015  
STARTER-ARCHITECT  
PARTNERS, LLP

**L-100**





**FOSTER  
CONANT  
& ASSOCIATES**  
130 West Robinson Street  
Orlando, Florida 32801-5187  
Phone (407) 446-2225  
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DATE	DESCRIPTION
04/15/11	ISSUED FOR CONSTRUCTION
03/15/11	REVISED PER OWNER COMMENTS
03/08/11	ISSUED FOR OWNER CONTRACT

VILLAGE PARK  
SENIOR HOUSING

WINTER PARK, FL

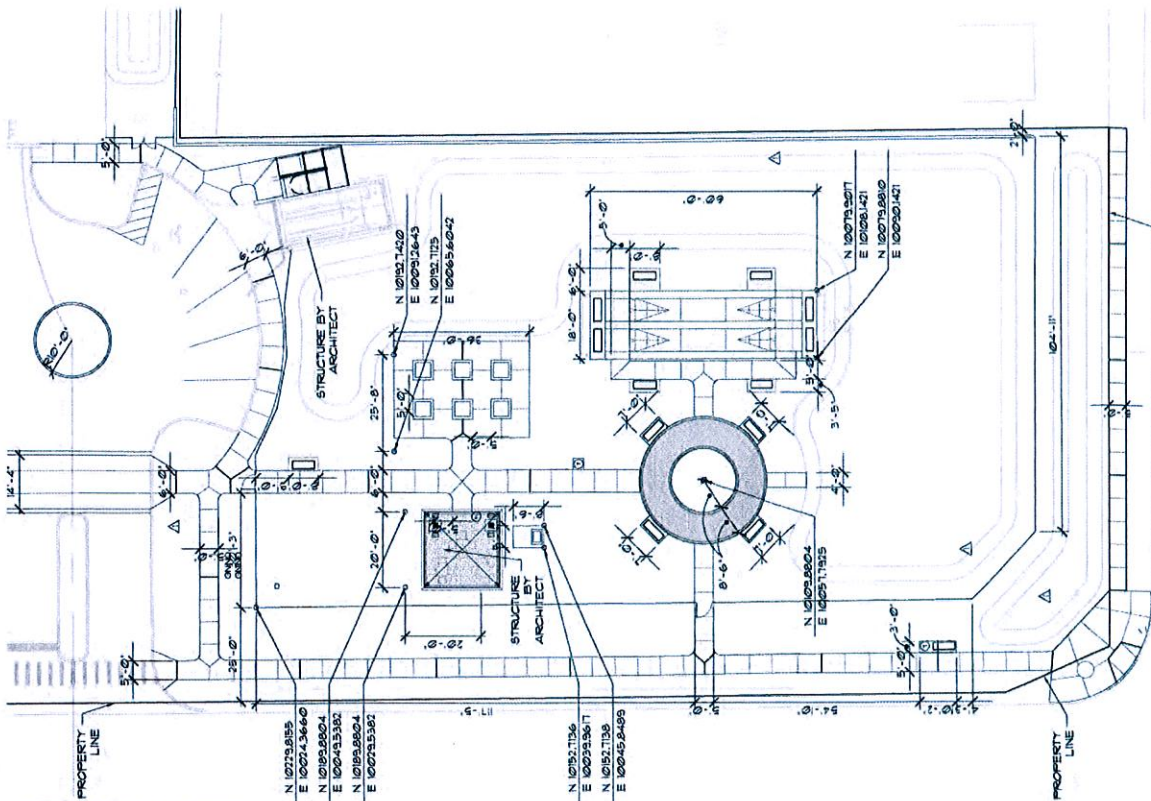
GARDEN LAYOUT

NO.	DATE	BY	FOR
06-20-13	10/22/13	AL	AS NOTED
06-20-13	10/22/13	AL	ISSUED FOR REC
06-20-13	10/22/13	AL	ISSUED FOR DEN/LG/DIG



**L-101**

NOV 27 2013  
ATLANTIC HOUSING  
PARTNERS, LLP



SCALE: 1/4" = 1'-0"  
① GARDEN LAYOUT