



**REQUEST FOR STAY
WEDGEFIELD K-8 SCHOOL
CASE**

**Board of County Commissioners
Discussion**

September 15, 2015



Background

- **BCC approved Orange County Public Schools' request to rezone property for Wedgefield K-8 School**
- **Several citizens filed Petition for Writ of Certiorari with Circuit Court challenging BCC's decision**
- **Certiorari case is still pending**
- **Circuit Court's decision unlikely until November or December at earliest**



Background (Cont'd)

- **Pursuant to BCC's rezoning decision, DRC reviewed and approved OCPS's development plan for K-8 school**
- **OCPS does not need any further approvals or permits from County before commencing construction**



Background (Cont'd)

- **Under applicable rule of court governing appellate proceedings:**
 - a party may request a “stay” of a decision that is being contested; and
 - request for stay is first made with lower tribunal, which in this case is BCC
- **Citizens challenging rezoning decision have requested that BCC grant a stay of its rezoning decision until Circuit Court reaches a decision**



Background (Cont'd)

- **Circuit Court has instructed parties that BCC must make decision on citizens' request for stay before Circuit Court will consider it**
- **Attorneys for citizens and OCPS are here to briefly present their respective positions on the request for stay**
- **After BCC makes a decision on stay request, Circuit Court can hear request for stay or review BCC's decision on request**



Action Required

BCC Decision on Request for Stay



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