

## RESOLUTION

### CASE NO. HW-0004-2010. BUSCH GARDENS NEW ATTRACTION - OKTOBERFEST

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Height Limitation Waiver process; and

WHEREAS, Mr. Ronnie Orsborne of VHB-LandMark has applied on behalf of SeaWorld Parks and Entertainment, LLC for a Height Limitation Waiver to allow the height of an event building and portion of a new attraction in Oktoberfest (the "Attraction") not to exceed 95 feet above existing grade; and

WHEREAS, existing grade is defined as 55 feet above sea level for the purposes of this Height Limitation Waiver; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. HW-0004-2010; and

WHEREAS, the proposed Attraction is depicted on the plan prepared by Vanasse Hangen Brustlin, Inc., dated November 23, 2010, and entitled "BGW Oktoberfest Attraction Expansion"; and

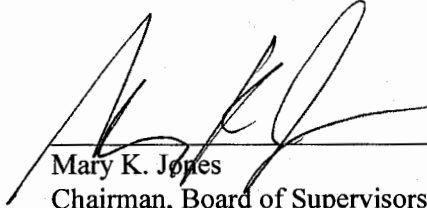
WHEREAS, the proposed Attraction will be constructed in its entirety on property zoned M-1, Limited Business Industrial, further identified as Parcel No. (1-9) on James City County Real Estate Tax Map Parcel No. (51-4) and commonly known as "Busch Gardens" (the "Property"); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-419(c) of the James City County Zoning Ordinance have been satisfied, in order to grant a height limitation waiver to allow for the erection of structures in excess of 60 feet in height.

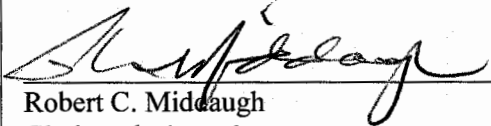
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-0004-2010 to grant the applicant a 35-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of an event building and sections up to 95 feet above existing grade as described herein, pursuant to the following conditions:

1. Plan: This Height Waiver shall be valid for a 35-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of portions of a new attraction (the "Attraction") up to 95 feet above existing grade as generally shown on the plan prepared by Vanasse Hangen Brustlin, Inc., dated November 23, 2010, and entitled "BGW Oktoberfest Attraction Expansion." For the purposes of this waiver, "existing grade" shall be defined as 55 feet above sea level.
2. Lighting: A lighting plan shall be submitted to, and approved by, the Director of Planning or his designee prior to final site plan approval for the Attraction. The lighting plan shall show that no glare will be cast beyond the any boundary line of the Property by any lighting installed as a component of or result of this Attraction.

3. Commencement of Construction: Construction on the Attraction shall commence within 24 months from the date of approval of this Height Waiver or this waiver shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
4. Severability: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

  
Robert C. Middleaugh  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of February, 2011.

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