

RESOLUTION

CASE NO. HW-0001-2018. BUSCH GARDENS IRELAND EXPANSION

HEIGHT LIMITATION WAIVER

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. Anthony Loubier of Vanasse Hangen Brustlin, Inc., has applied on behalf of SeaWorld Parks and Entertainment, LLC for a Height Limitation Waiver to allow for the installation of an attraction that is approximately 115 feet above finished grade at its highest point (the "Attraction"); and

WHEREAS, the location of the highest point of the Attraction is depicted on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled "Busch Gardens Ireland Expansion - Site Location Map"; and

WHEREAS, the Attraction will be constructed in its entirety on property zoned M-1, Limited Business/Industrial, located at 7851 Pocahontas Trail and further identified as James City County Real Estate Tax Map No. 5140100009, commonly known as "Busch Gardens"; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. HW-0001-2018; and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-418(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 for the construction of the Attraction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-0001-2018 to grant a 55-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of an attraction up to 115 feet tall from finished grade as described herein (the "Attraction"), pursuant to the following conditions:

1. Plan: This Height Waiver shall be valid for the Attraction, as generally shown on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled "Busch Gardens Ireland Expansion - Site Location Map". For the purposes of this Height Limitation Waiver, "finished grade" is defined as 40 feet above sea level.
2. Lighting: All lighting locations and specifications shall be shown on future development plans. Unless otherwise required by the Federal Aviation Authority or necessary for safety purposes, installation of any lights on the Attraction at points above 60 feet in height or installation of lights which direct light upward to illuminate any part of the Attraction or surrounding theme park areas shall be prohibited, with

the sole exception being that landscape-shielded "wall-washer" type fixtures may be installed to illuminate vertical (solid) wall surfaces related to the Attraction.

3. Color Scheme: The color of the Attraction at any point at or above 60 feet above finished grade shall be muted and designed to minimize visual impacts from Community Character Corridors and Community Character Areas, as defined in the Comprehensive Plan. A color scheme plan and color samples shall be submitted to, and approved by, the Director of Planning for consistency with this condition prior to the issuance of a Building Permit for the Attraction.
4. Commencement of Construction: Permits for the construction of foundations and/or footings for the Attraction shall be obtained within 36 months from the date of approval of this Height Limitation Waiver or this Height Limitation Waiver shall be void.
5. Severance Clause: This Height Limitation Waiver is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ruth M. Larson

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	✓	—	—
ICENHOUR	✓	—	—
SADLER	✓	—	—
HIPPLE	✓	—	—
LARSON	✓	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June, 2018.

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