

RESOLUTION

CASE NO. HW-1-97. BUSCH GARDENS, ITALY EXPANSION

WHEREAS, Ronnie Orsborne, representing Langley and McDonald, has applied on behalf of the Busch Entertainment Corporation for a height limitation waiver to allow for the construction of a 170-foot tall amusement attraction; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Case No. HW-1-97; and


WHEREAS, the attraction will be constructed within the existing theme park which is on property currently zoned M-1, Limited Business/Industrial and identified as Parcel No. (1-9) on the James City Count Real Estate Tax Map No. (51-4); and

WHEREAS, the Board of Supervisors may grant a height limitation waiver to allow the erection of structures in excess of 60 feet in height upon finding that the requirements of Section 20-444 of the James City County Zoning Ordinance have been satisfied.

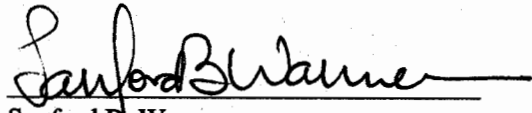
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-1-97 with the following conditions:

1. Within one year after the construction of the attraction, the County shall review the visual effects of the structure on the Carter's Grove Country Road. This inspection shall occur at a time when the trees have shed their leaves. If the structure can be seen from the road, Busch Gardens, at no cost to the County, shall provide evergreen landscape buffering along the road in a manner acceptable to the Director of Planning and the Colonial Williamsburg Foundation.
2. An effective 75-foot wooded buffer shall be maintained between the limits of clearing for the new attraction and the new theme park entrance road. Enhanced landscaping shall be provided within this area, where needed, to ensure a viable buffer. This landscaping shall be planted in a manner that is consistent with County ordinance standards and in locations acceptable to the Director of Planning. The landscaping for this area shall be installed within one year after the construction of the new attraction.
3. Busch Gardens shall provide an effective minimum 50-foot landscape buffer along the western side of the future Route 60 right-of-way. This landscape buffer shall be installed from Station Point 10+00.00 Ramp H to Station Point 18+77.02 Ramp H as shown on plans prepared by Langley and McDonald, titled "Commonwealth of Virginia/Department of Transportation/Plan of proposed State Highway, James City and York County/Grove - Busch Gardens Interchange," and dated June 10, 1996. The landscaping plan for this area shall be submitted to, and approved by, the Director of Planning and shall include landscaping that exceeds the County ordinance planting standards by at least 25 percent. The intent of this condition is to help mitigate the negative visual impacts the proposed structure will have on Route 60 by replacing existing vegetation that will be removed during the construction of the Grove Interchange. The landscaping for this area shall be installed within one year after the construction of the Grove Interchange. The Director of Planning may alter the location of the plantings required under this condition if the Virginia Department of Transportation ("VDOT") prohibits planting within the portions of this buffer area that lie within the state right-of-way.

4. Unless prohibited by VDOT, Busch Gardens shall provide enhanced evergreen landscaping within, or directly adjacent to, the "clover-leaf" portions of the interchange. The landscaping plan for this area shall be submitted to, and approved by, the Director of Planning and shall include landscaping that exceeds the County ordinance planting standards by at least 25 percent. Should landscaping in this area not be possible due to topography, built structures, or VDOT denial, the plantings shall be transferred to the buffer areas described under Conditions No. 2 and 3 above or other areas approved by the Planning Director. The landscaping for this area shall be installed within one year after the construction of the Grove Interchange.
5. Enhanced landscaping shall be provided on the western side of the Route 60 right-of-way between the southern end of the "France" parking lot and the beginning of the turn lanes into the park being constructed as part of the Grove Interchange. For purposes of this section, "enhanced landscaping" shall mean landscaping that exceeds the County ordinance planting standards by at least 25 percent. The landscaping for this area shall be installed within one year after the construction of the new attraction.
6. The proposed attraction shall not exceed a height of 170 feet above grade and not more than 255 feet above mean sea level.
7. Construction shall begin on the new attraction within three years or this height limitation waiver shall become void.
8. Prior to the issuance of a final certificate of occupancy for the attraction, Busch Entertainment shall submit the color scheme for the attraction. This color scheme shall be subject to review and approval by the Director of Planning.
9. A lighting plan for the structure shall be submitted to, and approved by, the Planning Director within six months after the construction of the new attraction. No glare shall be visible on the structure from the adjacent property lines or public road right-of-way.
10. Enhanced landscaping shall be provided in the immediate vicinity of the existing entrance to the theme park. For purposes of this section, "enhanced landscaping" shall mean landscaping that exceeds the County ordinance planting standards by at least 25 percent. The landscaping for this area shall be installed within one year after the construction of the new attraction and shall be subject to review and approval by the Director of Planning and the Colonial Williamsburg Foundation.
11. Should any portion of the Grove Interchange be widened in the future, at no cost to the county or VDOT, Busch Gardens shall provide landscaping and landscape buffers such that conditions #3 and #4 listed above are met.


Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
SISK	AYE
DEPUE	AYE
EDWARDS	AYE
MAGOON	ABSENT

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 1997.

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