

## RESOLUTION

### CASE NO. SUP-22-03. BUSCH GARDENS OKTOBERFEST EXPANSION

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

WHEREAS, Mr. Ronnie Orsborne has applied on behalf of Busch Entertainment Corporation for a special use permit to allow for the construction of an approximately 40,000-square-foot pre-manufactured metal building; and

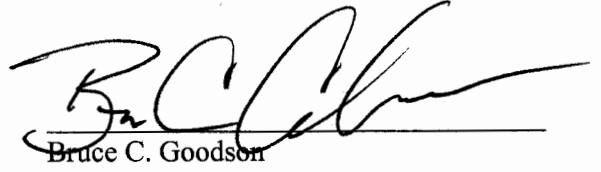
WHEREAS, the proposed building is shown on the plan prepared by Landmark Design Group, dated November 10, 2003, and entitled "BGW Oktoberfest Expansion: Sight Lines"; and

WHEREAS, the property is located on land zoned M-1, Limited Business/Industrial District, and can be further identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (51-4); and

WHEREAS, the Planning Commission, following its public hearing on January 12, 2004, voted 7-0 to approve this application.

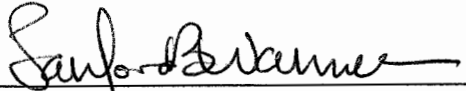
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 22-03 as described herein with the following conditions:

1. This special use permit shall be limited to the construction of an approximately 40,000-square-foot building, which is generally located as shown on "BGW Oktoberfest Expansion: Sight Lines" prepared by LandMark Design Group, dated November 10, 2003, with minor changes approved by the Development Review Committee (DRC).
2. A lighting plan shall be submitted to, and approved by, the Planning Director or his designee prior to the issuance of a final Certificate of Occupancy. The plan shall indicate no glare outside the property lines: "Glare" shall be defined as more than 0.1 footcandle at the Busch Gardens property line.
3. All elements of this building shall be limited to a maximum height of 80 feet above grade.
4. Construction on this project shall commence within thirty-six months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining permits for building construction.
5. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
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BRADSHAW	AYE
HARRISON	AYE
BROWN	AYE
MCGLENNON	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of February, 2004.

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