

RESOLUTION

CASE NO. SUP-2-06/HW-1-06. BUSCH GARDENS, WILLIAMSBURG -

NEW FRANCE 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 (SUP) process; and

WHEREAS, Mr. Ronnie Orsborne, on behalf of Busch Entertainment Corporation, has applied for an SUP (SUP-02-06) to allow for the construction of a queuing building and an embarking/disembarking station, collectively, totaling approximately 7,500 square feet in size, and with additional auxiliary support buildings, as needed, to serve a new theme park attraction in the New France area of Busch Gardens, Williamsburg, ("Expansion") which will be laid out over a total area of approximately five acres; and

WHEREAS, Mr. Orsborne, again on behalf of Busch Entertainment Corporation, has separately applied for a Height Limitation Waiver (HW-1-06) to allow for the construction of elements of the Expansion that will reach heights of up to 210 feet above grade; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a public hearing conducted on SUP-02-06 and HW-1-06; and

WHEREAS, the proposed Expansion is depicted on the plan prepared by LandMark Design Group, dated January 10, 2006, and entitled "BGW New France Expansion: Sight Lines, Ex 1" (the "Plan"); and

WHEREAS, the proposed Expansion 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 No. (51-4), and commonly known as "Busch Gardens" (the "Property"); and

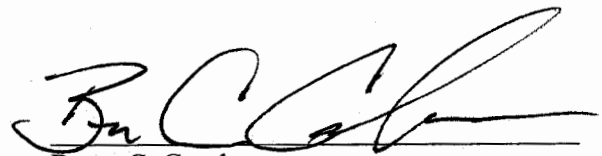
WHEREAS, the Planning Commission, following its Public Hearing on March 8, 2006, voted unanimously to approve SUP-2-06; and

WHEREAS, the Board of Supervisors find 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 HW-01-06 to grant the applicant a 150-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of track sections up to 210 feet tall for the Expansion.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve SUP-2-06, as described herein, pursuant to the following conditions:

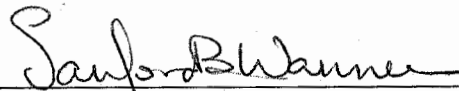
1. Permit: This SUP shall be valid for the construction of a queuing building and an embarking/disembarking station, collectively totaling approximately 7,500 square- feet in size, together with additional auxiliary support buildings, to serve the Expansion. The Expansion shall be generally located as shown on the plan.
2. Height: No part of the queuing building, embarking/disembarking station, or any auxiliary support buildings shall exceed 40 feet in height over "average finished grade." The "average finished grade" at the site of the Expansion shall be defined as 70 feet above mean sea level.
3. Lighting: 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 for the Expansion. The lighting plan shall show that no glare will be cast beyond any boundary line of the property by any lighting installed as a component of or result of this Expansion. Further, the lighting plan shall prohibit any lights that direct light upward to illuminate any part of the Expansion or surrounding theme park areas, with the sole exception being landscape-shielded "wall-washer" type fixtures that may be installed to illuminate vertical (solid) wall surfaces related to the Expansion.
4. Color Scheme: The color of the structure(s) of the Expansion at any point at or above 60 feet above finished grade shall be muted and made to blend with the sky or other surrounding natural features. A color scheme plan shall be submitted to, and approved by, the Planning Director or his designee for consistency with this condition prior to the issuance of a final Certificate of Occupancy for the Expansion.
5. Commencement of Construction: Construction on this project shall commence within 36 months from the date of approval of this SUP or this SUP shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
6. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Bruce C. Goodson
Chairman, Board of Supervisors

SUPERVISOR	VOTE
HARRISON	AYE
ICENHOUR	AYE
MCGLENNON	AYE
BRADSHAW	AYE

ATTEST:


Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2006.