

## RESOLUTION

### CASE NO. HW-0002-2010. BUSCH GARDENS GERMANY ATTRACTION

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 LandMark Design Group has applied on behalf of SeaWorld Parks and Entertainment, LLC for a Height Limitation Waiver to allow for the installation of a single tower attraction that is approximately 260 feet above grade (the "Attraction"); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. HW-0002-2010; and

WHEREAS, the location of the proposed Attraction is depicted on the plan prepared by LandMark Design Group, dated May 17, 2010, and entitled "Busch Gardens Germany Attraction Height Waiver Sight Lines" (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

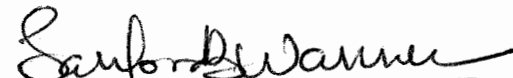
WHEREAS, the Board of Supervisors finds that the requirements of Section 24-419(c) of the James City County Zoning Ordinance have been satisfied, in order to grant a height limitation waiver to allow for the erection of structures in excess of 60 feet in height.

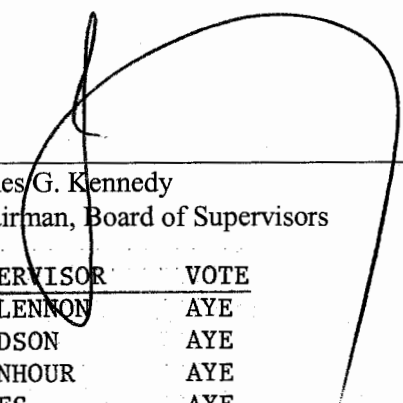
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approve Height Limitation Waiver HW-0002-2010 to grant the applicant a 200-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of a single tower up to 260 feet tall as described herein, pursuant to the following conditions:

1. **Plan:** This Height Waiver shall be valid for a 200-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of a single tower attraction (the "Attraction") up to 260 feet above finished grade as generally shown on the plan prepared by LandMark Design Group, dated May 17, 2010, and entitled "Busch Gardens Germany Attraction Height Waiver Sight Lines." For the purposes of this application, "finished grade" is defined as 80 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, 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. A color scheme plan shall be submitted to, and approved by, the Director of Planning for consistency with this condition prior to the issuance of a final Certificate of Occupancy for the Attraction.
4. **Commencement of Construction:** Construction on this project shall commence within 36 months from the date of approval of this Height Limitation Waiver or this Height Limitation Waiver shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
5. **Severance Clause:** This Special Use Permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

ATTEST:

  
Sanford B. Wanner  
Clerk to the Board

  
James G. Kennedy  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of June, 2010.

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