

RESOLUTION

CASE NO. HW-0001-2010. BUSCH GARDENS GRIFFON THEATRICAL LIGHTING

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, Ms. Suzy Cheely of SeaWorld Parks and Entertainment, LLC has applied to amend an existing Height Limitation Waiver to allow for the installation of four upwardly directed theatrical lights (the "Lights") on an existing structure that is approximately 210 feet above grade (the "Griffon"); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case HW-0001-2010; and

WHEREAS, the proposed Lights are depicted on the plan prepared by LandMark Design Group, dated April 5, 2010, and entitled "BGW 2010 Summer Nights Griffon Theatrical Light Locations" (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, does hereby approve Height Limitation Waiver HW-0001-2010 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 as described herein, pursuant to the following conditions:


1. **Plan:** This Height Waiver shall be valid for 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 as generally shown on the plan prepared by LandMark Design Group, dated January 10, 2006, and entitled "BGW New France Expansion: Sight Lines, Ex. 1."
2. **Lighting Type:** Only LED lighting fixtures or landscape-shielded "wall washer" type fixtures may be installed to upwardly illuminate vertical walls or structural components of the Griffon. Installation of any other type of upwardly-directed lighting shall be prohibited.
3. **Lighting Colors:** The color of the Lights shall be limited to blue, green, red, and/or magenta.

- 4. **Time Limitations:** Operation of the Lights shall only be permitted for the 2010 operating season. Upon written request to the Director of Planning, the operation of the Lights may be extended beyond the 2010 operating season provided that no adverse impacts caused by the Lights have been identified during the previous season. The request shall be submitted no less than three months prior to the opening of the upcoming operating season.
- 5. **Color Scheme:** The color of the structure(s) of the Griffon 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 Griffon.
- 6. **Severance Clause:** This Special Use Permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
 Chairman, Board of Supervisors

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

ATTEST:


 Sanford B. Wanner
 Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of May, 2010.

Hw-01-10Lighting_res