

## RESOLUTION

### CASE NO. SUP-0008-2010. 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 Special Use Permit (SUP) process; and

WHEREAS, Ms. Suzy Cheely of SeaWorld Parks and Entertainment, LLC has applied for an SUP 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 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, 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");

WHEREAS, the Planning Commission, following its public hearing on May 5, 2010, voted 6-0 (1 absent) to recommend approval of SUP-0008-2010.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve SUP-0008-2010, 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.

- 4. **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.
- 5. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy  
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
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.

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