

RESOLUTION

HW-0002-2013. BUSCH GARDENS 2015 FESTA ITALIA 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. Piotr Swietuchowski of VHB, Inc. has applied on behalf of SeaWorld Parks and Entertainment, LLC for a Height Limitation Waiver to allow for the installation of an attraction that is approximately 156 feet above finished grade (the "Attraction"); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. HW-0002-2013; and

WHEREAS, the location of the proposed Attraction is depicted on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled "Busch Gardens Festa Italia Expansion Exhibit 2 Height Waiver Sight Lines;" and

WHEREAS, the proposed expansion will be constructed in its entirety on property zoned M-1, Limited Business Industrial, further identified as James City County Real Estate Tax Map No. 5140100009 and commonly known as "Busch Gardens" (the "Property"); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-418(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-0002-2013 to grant the applicant a 96-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of an attraction up to 156 feet tall from finished grade as described herein, pursuant to the following conditions:

1. **Plan:** This Height Waiver shall be valid for a 96-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of the Attraction up to 156 feet above finished grade (or up to 242 feet above mean sea level) as generally shown on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled "Busch Gardens Festa Italia Expansion Exhibit 2 Height Waiver Sight Lines." For the purposes of this application, "finished grade" is defined as 86 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 or necessary for safety purposes, 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. **Landscaping:** Supplemental landscaping shall be planted generally in the areas shown on the exhibit entitled "HW-0002-2013 Busch Gardens 2015 Festa Italia Attraction - Landscape Planting Areas" dated October 15, 2013, and as specified in a landscape design plan (the "Landscape Plan") that shall be reviewed and approved by the Director of Planning or his designee and subject to approval by the Virginia Department of Transportation (VDOT). Plantings shall be evergreen varieties that are designed, located, and planted in accordance with the requirements of Section 24-96 of the landscape ordinance. Plantings included on the Landscape Plan shall be installed or bonded prior to issuance of a final Certificate of Occupancy.
- 4. **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 from Community Character Corridors and areas as defined in the Comprehensive Plan. A color scheme plan and color samples shall be submitted to, and approved by, the Director of Planning for consistency with this condition prior to the issuance of a Building Permit for the Attraction.
- 5. **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.
- 6. **Severance Clause:** This Height Limitation Waiver is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

 James G. Kennedy
 Chairman, Board of Supervisors

ATTEST:


 Robert C. Middaugh
 Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	X		
JONES	X		
MCGLENNON	X		
ICENHOUR	X		
HIPPLE	X		

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2013.