

## **RESOLUTION**

**CASE NO. HW-0003-2017. BUSCH GARDENS MADRID**

### **HEIGHT LIMITATION WAIVER**

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. Anthony Loubier, Vanasse Hangen Brustlin, 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 315 feet above finished grade at its highest point (the “Attraction”); and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. HW-0003-2017; and

WHEREAS, the location of the highest point of the proposed Attraction is depicted on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled “Busch Gardens Williamsburg – Height Waiver Sight Lines;” and

WHEREAS, the Attraction 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;” 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 for the construction of the Attraction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-0003-2017 to grant the applicant a 255-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 315-feet tall from finished grade as described herein, pursuant to the following conditions:

1. Plan: This Height Waiver shall be valid for a 255-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 315 feet above finished grade (or up to 387 feet above mean sea level) as generally shown on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled Busch Gardens Williamsburg – Height Waiver Sight Lines.” For the purposes of this application, “finished grade” is defined as 72 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-0003-2017 Busch Gardens Madrid – Landscape Planting Areas,” 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. 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 for the Attraction.
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: Permits for the construction of foundations and/or footings for the Attraction shall be obtained within 36 months from the date of approval of this Height Limitation Waiver or this Height Limitation Waiver shall be void.
6. Severance Clause: This Height Limitation Waiver is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

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Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

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