

Index File

UP-797-11

Sea World Parks & Entertainment Inc.; Water Country USA

176 Water Country Parkway

Assessor's Parcel No. 11-4-2

Request for a major amendment to a previously approved Special Use Permit (UP-506-96), pursuant to Section 24.1-115(d)(3) of the Zoning Ordinance to authorize expansion of an existing theme park on property located at 176 Water Country Parkway (private road). The property, containing 220.8 acres of land, is located on the south side of Marquis Center Parkway (Route 199) at its intersection with Water Country Parkway. The property is further identified as Assessor's Parcel No. 11-4-2 (GPIN 113a-0846-4200). The property is zoned EO (Economic Opportunity) and is designated Economic Opportunity in the *Comprehensive Plan*.

Attachments:

- Staff Memorandum
- Zoning Map
- Applicant's Narrative Statement
- Overall Master Plan
- Expansion Area Plan
- Park Map
- Board of Supervisors Resolution No. R96-201
- Proposed Resolution No. PC11-10

COUNTY OF YORK

MEMORANDUM

DATE: October 5, 2011 (PC Mtg. 10/12/11)

TO: York County Planning Commission

FROM: Amy M. Parker, Senior Planner

SUBJECT: Application No. UP-797-11, Sea World Parks & Entertainment Inc.; Water Country USA

ISSUE

This application requests approval of a major amendment to a Special Use Permit (UP-506-96), pursuant to Section 24.1-115(d)(3) of the Zoning Ordinance, to authorize expansion of an existing theme park on property located at 176 Water Country Parkway. The 220.8-acre property is located on the south side of Marquis Center Parkway (Route 199) at its intersection with Water Country Parkway and is further identified as Assessor's Parcel No. 11-4-2 (GPIN 113a-0846-4200).

In accordance with Zoning Ordinance Section 24.1-115 (d)(3), a proposed Special Use Permit amendment which would result in a 25% or more increase in area of the use "*shall be considered a major amendment of a previously approved and currently valid special use and shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original permit.*"

Land area approved for the theme park use in 1995 totaled 163 acres, which included existing and future attractions, operations and maintenance facilities, parking areas, and vegetative buffer areas. The current application covers 220.8 acres of land, or an increase of approximately 35% of land area devoted to the theme park use.

DESCRIPTION

- Property Owner: Sea World Parks & Entertainment Inc.
- Location: 176 Water Country Parkway (private road)
- Area: 220.8 acres
- Frontage: Approximately 1550 feet on Marquis Center Parkway and 2300 feet on Marquis Parkway
- Utilities: Public water and sewer
- Topography: Varied

- 2025 Land Use Map Designation: Economic Opportunity
- Zoning Classification: EO – Economic Opportunity
HRM – Historic Resources Management overlay
FMA – Floodplain Management Area overlay
- Existing Development: Outdoor theme park (Water Country USA)
- Surrounding Development:
 - North: Kings Creek Plantation timeshare development
 - East: US Naval Weapons Station Yorktown
 - South: Marquis retail center
 - West: Vacant land
- Proposed Development: Phased expansion of existing theme park

BACKGROUND

The theme park was initially approved in 1984 on 63 acres of land as a use permitted as a matter of right. In 1996 a Special Use Permit (UP-506-96) covering 163 acres of land was approved for a multi-year expansion master plan pursuant to Board of Supervisors Resolution No. R96-201 (attached). In a subsequent 1998 resubdivision of the Water Country, Kings Creek Plantation and Marquis properties, Water County's total landholdings (the subject property area) increased from 163 to 222 acres.

In 2005, the entrance to the park was relocated approximately 1,200 feet north to its present location and turn lanes servicing the entrance were extended in both directions on Route 199. A 2007 boundary line adjustment in the area of the Marquis entrance (former Water Country entrance) reduced the subject property area slightly to 220.8 acres.

CONSIDERATIONS/CONCLUSIONS

1. The approved 1996 master plan called for the addition of 37 acres of attractions to the 28 acres of attractions existing at the time for an eventual total of 65 acres of attractions. Proposed plans call for approximately 84 acres of existing and future attractions to be completed in five phases. To date, approximately 41 acres of attractions have been developed.
2. A portion of the property is located in the 500-foot Chesapeake Bay Resource Management Area (RMA) and the 200-foot Resource Protection Area (RPA) because of its proximity to King Creek and the existing lake on the property. Development in these areas will be subject to regulations contained in Chapter 23.2 of the County Code - Chesapeake Bay Preservation Areas. A proposed approval condition addresses this issue.

3. Environmental and Development Services staff has indicated that stormwater management facilities as shown on the master plan are acceptable for conceptual plan review purposes. Detailed stormwater engineering plans will be required at the time of site plan approval for the proposed development phases. A proposed approval condition addresses this issue.
4. There are two archaeological sites in the vicinity of areas proposed for expansion that are subject to the Historic Resources Management (HRM) overlay district. A proposed approval condition requiring archaeological studies (if needed) at time of site plan approval for the development phases addresses this issue.
5. According to Federal Emergency Management Agency (FEMA) data, a portion of the property along King Creek is located within the 100-year floodplain. Accordingly, any development in this area must comply with applicable floodplain regulations. A proposed approval condition addresses this issue.
6. In accordance with a condition in the 1996 Special Use Permit approving resolution, the applicant has maintained a 100-foot vegetated buffer around the perimeter of the site having plantings equivalent to a Type 50 transitional buffer (with the exception of the area between the guest parking lot and Marquis Center Parkway). Staff is recommending that the buffer be maintained surrounding the park.
7. The 1996 approving resolution contains a condition requiring the applicant to maintain maximum noise levels of 45 decibels within 1,000 feet of any property both used and zoned for residential purposes. At the time this condition was established, a portion of the Water Country perimeter abutted property zoned RR-Rural Residential. Although that is no longer the case, staff is of the opinion that the 45 decibels limit would be appropriate along any boundary shared with the adjacent Kings Creek timeshares (zoned EO-Economic Opportunity). Accordingly, staff has recommended an approval condition restricting noise levels along that common perimeter when the abutting property is used or approved for transient occupancy purposes. .
8. Specific setback requirements for rides, slides or arenas were included in the original approving resolution. The minimum setback requirement for rides, slides, arenas or buildings containing attractions is 150 feet adjacent to nonresidential zoning districts and 500 feet adjacent to residential districts. All other elements of the park must maintain a minimum 100-foot setback from all external property boundaries. Staff is recommending that this approval condition be maintained but with a modification to eliminate the reference to adjacent residential districts since there are none.
9. According to Section 24.1-605 of the Zoning Ordinance, a minimum of one parking space is required for every 4 persons based on maximum occupancy. There are currently 2,390 guest spaces, 268 employee/administration spaces, and 28 bus spaces on the site, totaling 2,658 spaces. According to information included on the applicant's master plan, average daily guest attendance between 2006 and 2010 has

ranged from 6,304 to 7,537 guests. In accordance with Ordinance standards, 2,390 guest spaces should accommodate average daily attendance of up to 9,560 guests, not including any arriving by bus.

10. In the past, stacking vehicles on Route 199 have been a problem, but with the relocation of the main entrance and installation of turn lanes on Route 199, the problem has abated. According to the applicant, the new entrance configuration accommodates stacking for over 400 vehicles on-site. An employee access way was constructed connecting to Marquis Parkway when the main entrance was relocated and can be used for guest vehicle circulation (exiting traffic) if needed during peak traffic periods.
11. There have been instances in the past when guests have had to be turned away because of a lack of parking. At the time of the 1996 expansion approval, there were approximately 16 instances (one hour on Saturdays) in that year when this occurred. The applicant has indicated that there were no instances of inadequate parking in 2011, and only two such occurrences in 2010. Since the time of the 1996 approval, over 700 parking spaces have been added to the site. Given the recent years' attendance history, staff is of the opinion that existing parking should be adequate to accommodate the park at least through Phase 2 of the development. A proposed approval condition would require updated traffic and parking analysis prior to site plan approvals for further phases of development.

The applicant has indicated that during peak vehicle entrance and exit times, off-duty York County Sheriff's deputies are hired to direct traffic. When guest parking lots become full, the gate at the main entrance is closed, and drivers are directed to make U-turns on Route 199. Vehicles entering from the north (traveling from the Colonial Parkway) can turn around the traffic median on Route 199 at the park entrance. Vehicles entering from the south (traveling from I-64) must proceed to the Penniman Road/Route 199 intersection, turn left on to Penniman Road, left on Water Country Parkway (by Presidents Park), and then right onto northbound Route 199.

Staff has concerns about the safety of this circulation pattern as well as potential problems with drivers unfamiliar with the roads in the area becoming lost or confused in circling around Penniman Road. In order to facilitate a safer and less confusing U-turn, and in consultation with staff from the Sheriff's Office, an approval condition is recommended which would require that all traffic enter the main gate, and that traffic U-turns be handled completely on the applicant's property. Given the substantial length of the entrance drive that was reconfigured when the entrance was relocated, there appears to be adequate room to design and construct a break in the median to accommodate turning traffic.

RECOMMENDATION

The applicant has submitted the request to amend the 1996 Special Use Permit in order to update the previously approved master plan. Acquisition of additional land for expansion

of the park as well as changes in timing of development have necessitated changes to the original master plan and development phasing. The park has successfully operated and expanded in accordance with the original master plan, and proposed amendments are in keeping with previous development designs. Staff is of the opinion that, given the proposed approval conditions, the park will continue to be a significant tourist attraction and economically viable business in the County. Accordingly, staff recommends that this application be forwarded to the Board of Supervisors with a recommendation of approval, subject to the conditions shown in proposed Resolution No. PC11-10.

Attachments:

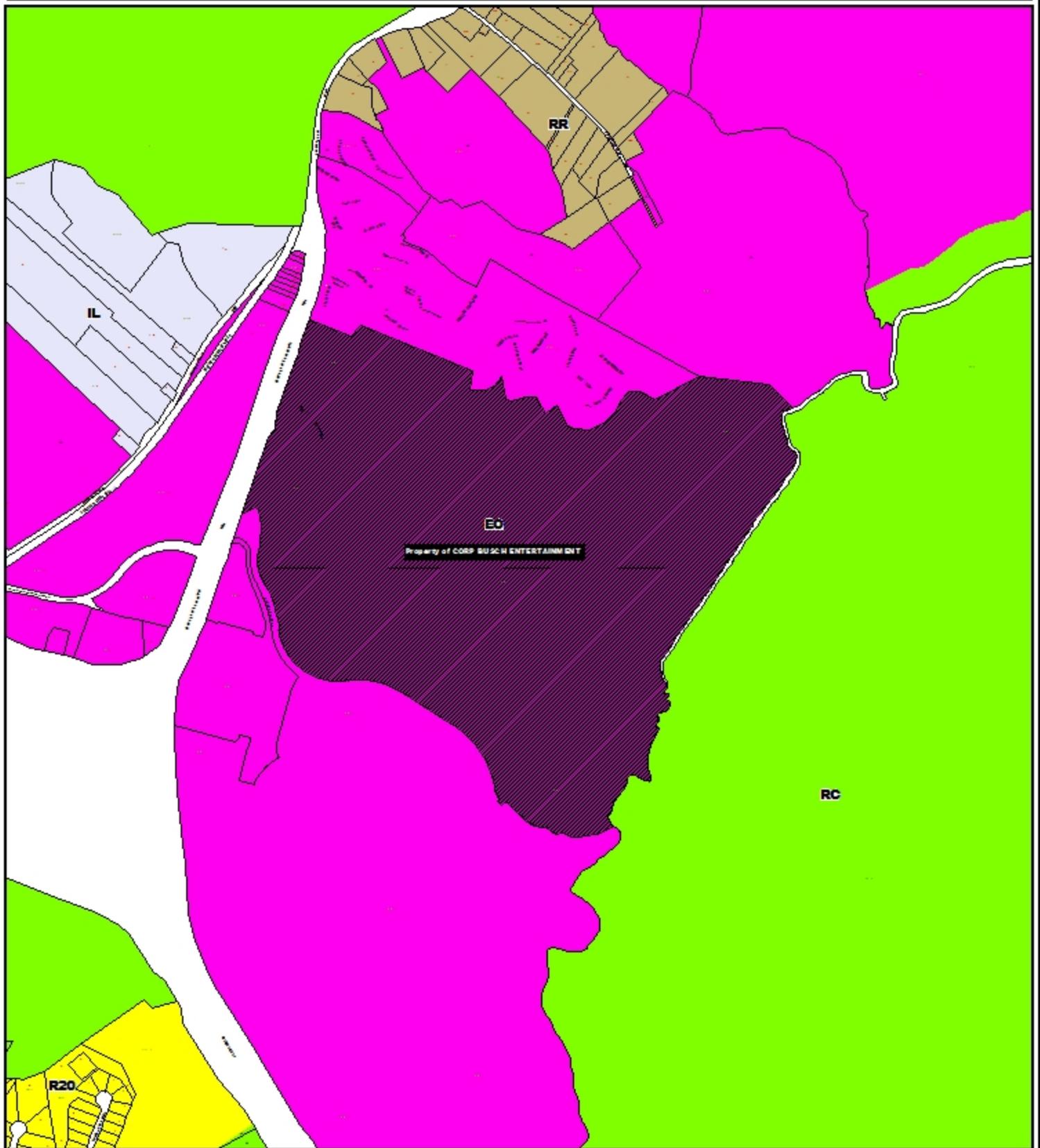
- Zoning Map
- Applicant's narrative statement
- Applicant's overall master plan
- Expansion area plan
- Park map
- Board of Supervisors Resolution No. R96-201
- Proposed Resolution No. PC11-10

APPLICANT: WATER COUNTRY USA

EXPANSION OF PREVIOUSLY APPROVED THEME PARK
176 WATER COUNTRY PKY

ZONING MAP

APPLICATION NUMBER: UP-797-11



0 500 1,000 2,000 Feet



SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.



Water Country USA Master Plan Narrative

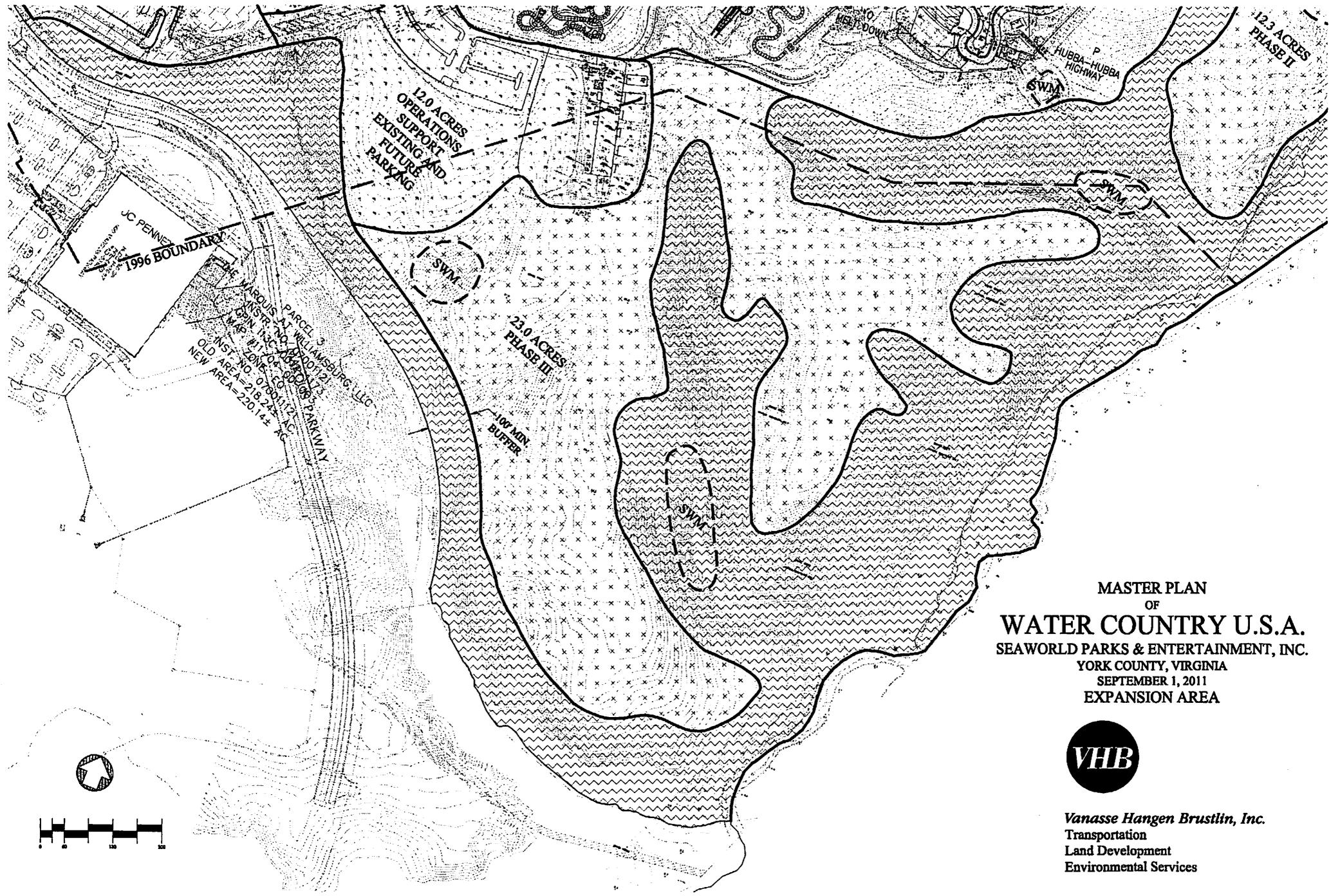
Water Country USA is a 222 acre outdoor water park located along the eastern side of State Route 199 just north of Interstate 64 and The Marquis at Williamsburg shopping complex. In 1992 then Busch Entertainment Corp. obtained the park from Pleasurama Williamsburg Inc. as part of a larger land purchase by Busch Properties Inc. During the first years of ownership the primary focus was upgrading existing facilities and attractions to meet Busch Entertainment in park standards. Along with the upgrades several new exciting attractions were added including Malibu Pipeline, Cow-A-Bunga and Big Daddy Falls. To support these in park expansions, guest parking and staff parking were expanded to meet the increased demand for guest needs.

During the fall of 1995 the park began working with York County staff in an effort to develop an overall park Master Plan for future park expansions. The final approved July 1996 Master Plan reflects areas reserved for future Attractions, Guest Facilities, Circulation, Operations, Parking and Entrance Relocation. The plan also reflects areas to serve as undisturbed buffers, setbacks from Water Country Lake, setbacks from adjacent property, Stormwater Management areas and Phasing. To date Water Country has closely followed this plan on all park expansion efforts. The Resolution (R96-201) associated with the Master Plan has also been closely adhered to with the majority of conditions satisfied.

The proposed updated Master Plan reflects the additional 59 acres obtained by SeaWorld Parks and Entertainment LLC d/b/a Water Country USA as part of the acquisition from Busch Properties' Inc. subdivision highlighting limits of Future Attractions, Undisturbed Buffers, Operations, Support, Existing and Future Parking along with Stormwater Management areas. As with the currently approved plan these areas are general in nature and reflect buildable areas within the expanded property. The overall plan highlights the following:

- Phase I – Area of existing attractions, guest facilities, circulation, first aid, stormwater management and initial future expansion areas.
- Phase II – Area of future attractions, guest facilities and stormwater management to begin once Phase I has been developed.
- Phase III – Lands obtained as part of the Busch Properties subdivision will serve as area of future attractions, guest facilities and stormwater management once Phase II has been developed.
- Phase IV & V – Areas of future attractions.
- Operations, Support, Existing and Future Parking – Area will include park administration, maintenance, storage, employee parking and possible guest parking near park entrance.
- Guest Parking – Currently all parking expansions outlined in the original Master Plan have been built and serving guest.

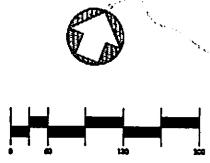
The 2011 Master Plan will expand on the 1996 Master Plan and continue to closely follow the document when planning future park expansions as demonstrated in past park development.



MASTER PLAN
 OF
WATER COUNTRY U.S.A.
 SEAWORLD PARKS & ENTERTAINMENT, INC.
 YORK COUNTY, VIRGINIA
 SEPTEMBER 1, 2011
 EXPANSION AREA



Vanasse Hangen Brustlin, Inc.
 Transportation
 Land Development
 Environmental Services





Map Legend

NEW IN 2014
VANISH POINT

PARK ENTRANCE

Picnic Pavilion

Wild Thang

Rampage

Surfer's Cove

Caban-A-Rama Theatre

Surfer's Bay

Rambling River

Jammin' Jukebox

Rock 'N' Roll Island

SurfSide Market

Coolsville

Catalina Grille

Daddy-O's

Wipeout Gifts And Apparel

Kritter Korral

Cow-A-Bunga

Jet Scream

Way Out Gifts

Way Out Candy

Adventure Photo

Malibu Pipeline

Big Daddy Falls

Hot Spot Cafe

Jet Gifts

Cosmic Cafe

Launch Pad

Nitro Racer

Family Restrooms

Hubba Hubba Hide-a-way

First Aid

Cook-N-Cove

Aquazoid

Gifts

Traveler's Treats

Hubba Hubba Highway

Meltdown

H2O UFO

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Courts and Board Room, York County District Courts Building, Yorktown, Virginia, on the 4th day of September, 1996:

<u>Present</u>	<u>Vote</u>
James W. Funk, Chairman	Yea
Walter C. Zaremba, Vice Chairman	Yea
Sheila S. Noll	Yea
Albert R. Meadows	Yea
Jere M. Mills	Yea

On motion of Mrs. Noll, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO APPROVE A USE PERMIT TO AUTHORIZE A MULTI-YEAR EXPANSION OF WATER COUNTRY USA

WHEREAS, Busch Entertainment Corporation has applied for a use permit to authorize a multi-year expansion of the Water Country USA theme park located at the southeast quadrant of the intersection of State Route 199 with Old York Road (formerly SR 640) and further identified as all or part of Assessor's Parcel Nos. 11-132, 11-132A, 11-134, 11-(4)-A, 11-(4)-B, 11-(4)-B1, 11-(8)-D, and 11-(8)-D1; and

WHEREAS, this application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Commission has recommended approval of this application; and

WHEREAS, the Board has conducted a duly advertised public hearing and has carefully considered the recommendation of the Commission and the public comments received;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 4th day of September, 1996, that it does hereby approve a use permit authorizing a multi-year expansion of the Water Country USA theme park subject to the following conditions:

1. This permit shall authorize the expansion of the Water Country USA theme park located at the intersection of State Route 199 and Old York Road (discontinued SR 640) comprising 163 acres and further identified as all or part of Assessor's Parcel Nos. 11-132, 11-132A, 11-134, 11-(4)-A, 11-(4)-B, 11-(4)-B1, 11-(8)-D, and 11-(8)-D1.
2. Future development of the Water Country USA theme park shall occur in general conformance, as verified by the Zoning Administrator, with the plans and materials submitted with the application and as supplemented by the conditions contained herein. In the instance of a conflict between the application materials and the conditions of the permit, the conditions shall prevail. The written materials incorporated herein by reference are filed with the application materials held by the County and are comprised of *Master Plan of Water Country U.S.A.* containing two (2) sheets dated July 24, 1996 prepared by Langley and McDonald, P.C. (referred to herein as *Master Plan*) together with *Water Country U.S.A Special Use Permit Application Supplemental Report* containing a noise analysis, traffic analysis, parking analysis, and other narrative materials dated June 27, 1996 prepared by Langley and McDonald, P.C.
3. The maximum height of any structure constructed in the theme park shall be seventy-five feet (75') unless a height waiver is granted by the York County Board of Supervisors in full accordance with established procedures. The intent of this provision is to allow consideration of a height waiver by the Board without revision to this permit.
4. A one hundred-foot (100') undisturbed vegetated buffer shall be preserved around the entire perimeter of the theme park and shall be supplemented by additional plantings, if necessary, to achieve the same screening effect as a Type 50 Transitional Buffer. The Zoning Administrator may require certification of conformance with this requirement by a Virginia Certified Landscape Architect if the Zoning Administrator is in doubt as to the efficacy of the buffer or any part thereof.

5. A one hundred-foot (100') vegetated buffer shall be maintained around the lake to provide qualitative stormwater management. The Zoning Administrator may modify or reduce this buffer as follows:
 - A. The buffer may be eliminated as noted on the *Master Plan* where a future attraction requires a visual or physical connection to the lake as an integral part of that attraction; or
 - B. In all other situations, the buffer may be reduced by not more than 50% upon a demonstration that the same water quality objectives are being met through the use of other acceptable methods.
6. The minimum setback for all arenas or rides or slides or buildings containing visitor attractions shall be one hundred fifty feet (150') from any external property line adjacent to commercially or industrially zoned property and five hundred feet (500') from any external property line adjacent to residentially zoned property. For all other elements of the theme park, a one hundred-foot (100') minimum setback shall be observed.
7. No fewer than 300 additional paved visitor parking spaces shall be constructed prior to the park's opening in 1997.
8. Additional permanent paved parking spaces shall be constructed in conformance with the timing presented in the parking analysis, provided, however, that the Zoning Administrator may accelerate or delay the required parking construction based on how closely the actual attendance at the theme park tracks the projections upon which the parking analysis is based.
9. Grassed overflow parking spaces shall be provided at a ratio of one overflow space for each ten paved visitor spaces.
10. The entrance(s) to the theme park from State Route 199 shall be improved prior to the park's opening in 1998. Specifically, the following shall occur:
 - A. The right-turn radius shall be no less than two hundred feet (200');
 - B. The entrance road shall have no fewer than three receiving lanes;

- C. There shall be sufficient on-site in-queue storage for approximately 200 vehicles upstream of the toll booth stations; and
- D. There shall be no fewer than six (6) toll stations provided.

These requirements shall apply regardless of whether the existing entrance is used or the "Alternate Park Access" depicted on the *Master Plan* is developed or both. Should both entrances be available for public use, conformance with the requirements of this condition shall be based on the total of the two entrances.

- 11. A right-turn lane and taper of a length and design acceptable to the Virginia Department of Transportation shall be provided along State Route 199 to serve the entrance(s) at such time as the entrance improvements required in the paragraph above are constructed.
- 12. Traffic congestion during peak periods shall be constantly monitored by staff of the applicant. Operational plans and policies shall be effectuated to prevent entering vehicle queues from extending onto the traveled way of State Route 199. In addition, the applicant shall have a traffic analysis of the exiting traffic movement performed annually, the purpose of which is to develop operational plans and policies for identifying potential traffic exiting problems via some type of advance warning system and then for handling such peak periods. Copies of these operational plans and policies shall be filed at least annually prior to the opening of the park season with the York County Department of Public Safety, the York County Sheriff's Department, the Williamsburg Residency of the Virginia Department of Transportation, and the Division Headquarters of the Virginia State Police.
- 13. Any attraction, structure, or facility proposed to be within one thousand feet (1,000') of a property both residentially zoned and residentially used shall have an individual noise analysis performed as a part of the site plan review process and, should such analysis determine that an average noise level exceeding forty-five decibels (45 dB) is likely to be imposed upon such residentially zoned property, the Zoning Administrator shall require that noise attenuation be provided to reduce the average noise level below forty-five decibels (45 dB).

14. Access to all portions of the park by emergency vehicles and apparatus shall be maintained at all times. At least one (1) alternate access point acceptable to the *Fire Chief shall be* provided.
15. Fire hydrants having sufficient fire flows as determined by the Fire Chief shall be installed in locations acceptable to the Fire Chief as a part of each expansion of the theme park.
16. The owner of the theme park shall, by November 30 of each year, provide a report to the Zoning Administrator indicating the total attendance, average daily attendance, the peak 25 days, and the attendance on each of those days; the number of days on which the capacity of the paved visitor parking was exceeded; the days on which traffic congestion incidents resulted in queue lengths exceeding the storage capacity of the entrance road, the methods (if any) employed to manage the incidents, and the time required to eliminate any back-ups onto State Route 199; the days on which the exiting traffic endured delays of five (5) minutes or longer at the park exit, the methods (if any) employed to manage the delay, and an assessment of the relative success of those methods.
17. The owner of the theme park shall submit site plans for all proposed development within the theme park to the Commanding Officer of the Naval Weapons Station Yorktown for courtesy review concurrently with site plan submittals to the County. A copy of the transmittal letter to the Navy shall be attached to the submittal to the County and shall suffice as evidence that this condition has been fulfilled.

A Copy Teste:



Mary E. Simmons
Deputy Clerk

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of _____, 2011:

Present

Vote

M. Sean Fisher, Chair
Richard M. Myer, Jr. , Vice Chair
Christopher A. Abel
Alexander T. Hamilton
Mario C. Buffa
Melissa S. Magowan
Mark B. Suiter

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR A MAJOR AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO AUTHORIZE THE EXPANSION OF A THEME PARK (WATER COUNTRY USA) LOCATED AT 176 WATER COUNTRY PARKWAY

WHEREAS, Sea World Parks & Entertainment Inc. (Water Country USA) is operating the theme park (Water Country USA) located at 176 Water Country Parkway (private road), further identified as Assessor's Parcel No. 11-4-2 (GPIN I13a-0846-4200), in accordance with Board of Supervisors Resolution No. R96-201; and

WHEREAS, Sea World Parks & Entertainment Inc. (Water Country USA) has submitted Application No. UP-797-11 requesting approval of a major amendment to a previously approved Special Use Permit, pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, to authorize the expansion of the theme park located on a 220.8-acre parcel of land located at 176 Water Country Parkway (private road) and further identified as Assessor's Parcel No. 11-4-2 (GPIN I13a-0846-4200); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ___ day of _____, 2011 that Application No. UP-797-11 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval of a major amendment of a previously approved Special Use Permit to authorize the expansion of the theme park (Water Country USA) located on a 220.8-acre parcel of land located at 176 Water Country Parkway (private road) and further identified as Assessor's Parcel No. 11-4-2 (GPIN I13a-0846-4200), subject to the following conditions:

1. This Special Use Permit shall authorize the expansion of the theme park (Water Country USA) located on a 220.8-acre parcel of land located at 176 Water Country Parkway (private road) and further identified as Assessor's Parcel No. 11-4-2 (GPIN I13a-0846-4200).
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the County prior to the commencement of any expansion of the subject theme park. Said site plan shall be in substantial conformance with the plans titled "Master Plan of Water Country USA, Sea World Parks & Entertainment, Inc., York County, Virginia, and Master Plan of Water Country USA, Sea World Parks & Entertainment, Inc., York County, Virginia, Expansion Plan, both dated September 1, 2011, and received by the Planning Division on September 1, 2011, except as modified herein.
3. A one hundred foot (100') undisturbed vegetated buffer shall be preserved around the perimeter of the park as shown on the above-referenced Master Plan and shall be supplemented by additional evergreen plantings, if necessary, to achieve plantings equal to a Type 50 Transitional Buffer.
4. A one hundred foot (100') vegetated buffer shall be maintained around the lake to provide qualitative stormwater management. The Zoning Administrator may modify or reduce the buffer as follows:
 - A. The buffer may be eliminated as noted on the Master Plan referenced in condition #2 above where a future attraction requires a visual or physical connection to the lake as an integral part of that attraction; or
 - B. In all other situations, the buffer may be reduced by not more than 50% upon a demonstration that the same water quality objectives are being met through the use of other acceptable methods.
5. The minimum setback for all arenas, rides, slides, or buildings containing visitor attractions shall be one hundred fifty feet (150') from any external property boundary. All other elements of the theme park shall maintain a one hundred foot (100') setback from all external property boundaries.

6. Any attraction, structure, or facility proposed to be within one thousand feet (1000') of a property used for transient occupancy purposes shall have an individual noise analysis study prepared and submitted to the Plan Review Agent prior to site plan approval. Should such analysis determine that an average noise level exceeding forty-five decibels (45 db) is likely to be imposed on property used or approved for transient occupancy, the Zoning Administrator shall require that noise attenuation be provided to reduce the average noise level at or below forty-five decibels (45 db).
7. Development of the property shall be in compliance with the provisions of York County Code Chapter 23.1, Wetlands, Chapter 23.2, Chesapeake Bay Preservation Areas, and Chapter 23.3, Stormwater Management.
8. Development of the property shall be in compliance with the provisions of Section 24.1- 374 of the York County Zoning Ordinance, Historic Resources Management overlay district.
9. Development of the property shall be in compliance with Section 24.1-373 of the York County Zoning Ordinance – Floodplain Management Area overlay district.
10. At times when parking lots are filled to capacity and it is necessary to preclude additional guest entry to the park attractions, entering guest vehicles shall be directed to the main entry drive off of Route 199 in order to facilitate vehicle u-turns completely within the applicant's property. Persons directing traffic on behalf of the applicant shall not direct u-turns within the Route 199 right-of-way. Should such an operational plan require installation of a median break along the on-site entrance drive, construction of such break shall occur in conjunction with construction of any new attractions at the park.
11. Prior to site plan approval for Phase 3 of the development as shown on the master plan referenced in condition #2 above, the applicant shall submit a detailed traffic and parking study to the Plan Review Agent verifying adequacy of existing parking and vehicular access facilities. Additional parking and/or revised traffic design shall be implemented as deemed necessary in accordance with said study.
12. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of this Resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court and a court-certified copy of the document shall be submitted to the County prior to further development activity under existing approved site plans or at the time of future site plan approval application, whichever occurs first.

BE IT FURTHER RESOLVED that the above conditions are not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.