

MEMORANDUM

TO: Albemarle County Community Development Staff

FROM: Kendra Patrick, PE
Line and Grade Civil Engineering

DATE: January 14, 2022

RE: Misty Mountain Camp Resort Redevelopment
Special Use Permit Application Narrative

Project Details:

Applicant: Misty Mountain Investment LLC
Engineer: Line and Grade Civil Engineering | Daniel C. Hyer, PE
Name of Project: Misty Mountain Camp Resort
Short Description: Special Use Permit for Additional Camping Spaces and Cabins
Proposed Site: 56 Misty Mountain Road, Greenwood, VA 22943

Property Details:

Parcel ID Number: 07100-00-00-00300
Short Parcel ID: 71-3
Total Acres: 47.11
Owner: Misty Mountain Investment LLC
Property Address: 56 Misty Mountain Road, Greenwood, VA 22943
Current Tenant: Misty Mountain Camp Resort
Magisterial District: Samuel Miller
Zoning: Rural Areas (RA)
Proffered: Yes
ZMAs Related to Proffers: None
Comprehensive Plan Area: Rural Area 3
Comprehensive Plan Use: Rural Area
Comprehensive Plan Use: Unassigned
Land Use: Commercial
Surrounding Uses: Vacant land to the west
Single family residential to the north
Small residential subdivision to the east
Vacant land to the south

Site Photos:

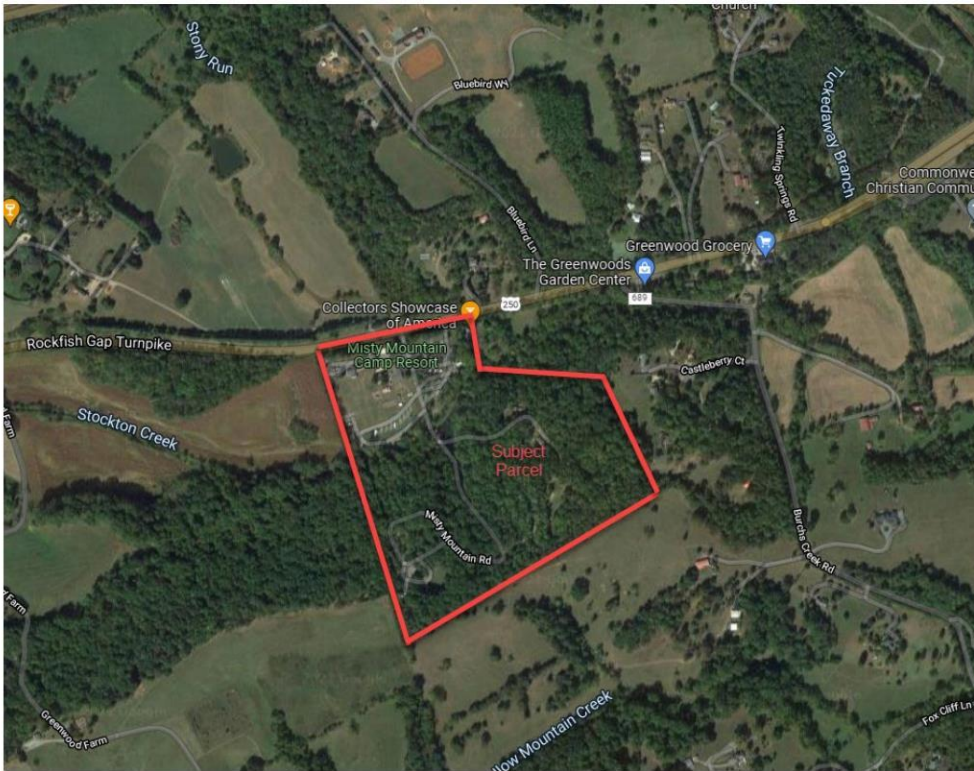


Photo 1 – Aerial image of subject parcel (courtesy of Google Maps)



Photo 2 – Camp area nearest Route 250



Photo 3 – Fishing pond



Photo 4 – Outdoor recreation area

A. Background

Misty Mountain Camp Resort (MMCR) is located on a 47.11 acre parcel zoned Rural Areas in Greenwood, Virginia. It has been an active campground for over 40 years and currently has 16 cabins and 104 campground sites (see Appendix A). There are four special use permits (SPs) associated with this site. The full conditions associated with each SP are included in Appendices C through F, but the brief summary of each SP is as follows:

- SP-82-61 | Allows 112 camping sites/150 ft setback
- SP-94-30 | Amends SP-82-61 to allow 10 cabins (not more than 4 can qualify as dwelling units, and no cabins may be used from November 15 - March 15)
- SP-2009-16 | Allows one music festival per year subject to conditions, for trial period of two years
- SP-2010-48 | Five-year extension of SP-2009-16 to continue allowing annual music festivals

B. Proposal

Outdoor recreation is now more important than ever, and therefore it is the intent of this special use permit to expand the capacities of the Misty Mountain Camp Resort. The applicant seeks to amend SP199400030 (see Appendix D) to allow 16 cabins and 172 campsites, an increase in 68 campsites from what is existing. Please note that SP-94-30 allows for only 10 cabins, therefore the applicant wishes to bring the site into conformance by allowing for the 16 cabins which were built under previous ownership. The applicant also seeks to amend the condition that the cabins are not used from November 15 to March 15 and instead limit the *duration* for which any cabin is used to 30 nights per stay.

The proposed campsites are to be located in the southernmost portion of the property, furthest from Route 250 and well outside of the floodplain of Stockton Creek. Please see Appendix B for the Concept Plan showing the proposed campsites. Access to the new campsites will be via the existing Misty Mountain Road; no new entrances to the site are proposed.

Proposed improvements are limited to the additional campsites and supporting infrastructure for those sites (e.g., travelways, water, sewer, electric) with the exception of possible enhancement of Stockton Creek and the improvements required to organize certain existing campsites within the project area and bring them into conformance with setbacks.

C. Consistency with the Comprehensive Plan

The subject property is designated Rural Areas. The Comprehensive Plan emphasizes the preservation of natural resources and scenic beauty in these areas. The entire purpose of this campground is to provide a retreat for people to enjoy the beauty of

the Blue Ridge Mountains, and the preservation of natural resources is inherent to that goal.

According to the MMCR website¹, guests are invited to “explore nature trails, splash in our pool, sit by the creek, fish in our pond, play at several playgrounds, climb our hills...,” all of which are geared toward facilitating people in enjoying the outdoors. A rural setting is necessary to allow the opportunity for these activities to exist alongside one another.

D. Impacts on Public Safety Facilities, Public Transportation, Public Schools, Public Parks and Environmental Features

The impact that the addition of these campsites will have on public facilities is minimal, mainly due to the nature and location of the site.

Impact on Public Safety Facilities:

There is no discernible impact on public safety facilities that would be caused by this proposal. Activities with high risk for potential fires are regulated. Part of SP-94-30 that is not being amended is that “provisions for outdoor cooking, campfires, cooking pits, etc., shall be subject to Albemarle County Fire Official approval.”

Impact on Public Infrastructure:

The property will not have an impact on public infrastructure such as sanitary and water lines as it will remain serviced by private well and drainfield. Consultants have sited areas for future wells and drainfields that will be utilized for the added campsites. The property *will* have a minimal impact on public roads, as the trip generation of the site will increase.

Water

Fracture trace analysis performed on August 26, 2021 indicates there is ample groundwater available to sustain the needs of these added accommodations, though specific yields are forthcoming. The Virginia Department of Health Office of Drinking Water (VDH-ODW) has issued approval of the proposed well sites and they are to be drilled in the coming months.

Sewer

A Central Sewer System request is to be applied for and will go before the Board of Supervisors under a separate application, though it is intended for the SP application and the Central Sewer System application to go before the board simultaneously.

¹ <https://www.mistymountaincampresort.com/>

Public Roads

The additional campsites will increase the property's peak hour trip generation by 32 trips, or roughly 157 percent (see Tables 1 and 2), though it should be noted that the projected trip generation is based off of very few data points available. Compared to the VDOT 2020 Traffic Data for Rockfish Gap Turnpike, this is a 3.5% increase in *peak hour* traffic on the road.

Table 1. Existing Conditions - ITE Trip Generation 10th Edition

ITE TRIP GENERATION				PM PEAK HOUR				
Use Description	ITE CODE	UNITS	QTY OF UNITS	% IN	% OUT	IN	OUT	TOTAL TRIPS
Campground	416	Occupied Campsites	120	62%	38%	30	19	49
SITE TOTALS =						30	19	49

Table 2. Proposed Improvements - ITE Trip Generation 10th Edition

ITE TRIP GENERATION				PM PEAK HOUR				
Use Description	ITE CODE	UNITS	QTY OF UNITS	% IN	% OUT	IN	OUT	TOTAL TRIPS
Campground	416	Occupied Campsites	188	62%	38%	48	29	77
SITE TOTALS =						48	29	77

The site has an existing right-turn lane which will help to mitigate negative impacts from an increase in traffic to the site.

Impact on Public Transportation:

This proposal has no impact on public transportation as there is currently no form of public transportation that services this area of the County.

Impact on Public Schools and Parks:

This site has no impact on public schools as the nearest school is almost 2 miles away, and the peak hours do not coincide. Likewise, the nearest public park is 2 miles away and located along a different road, therefore no impact is anticipated.

Impact on Environmental Features:

MMCR offers fishing, hiking, and "private sites nestled in the trees." It is to the benefit of all that the campground's impact on environmental features be as minimal as possible. The health of the fishing pond will rely on the health of Stockton Creek, which runs through the property. There are plans to enhance the creek as it is a natural amenity to the campground. The joy of hiking and the privacy of campsites will largely depend on the preservation of trees on site; therefore tree removal will be selective. MMCR is determined to keep a low impact by expanding in areas where minimal land disturbance is required. Approximately one quarter of the site will remain forested.

Impact on Adjacent Properties:

Along with the addition of new campsites, the applicant intends to redevelop existing sites in the southwest corner in order to bring them into compliance with

side yard regulations. This redevelopment will largely follow the existing layout in order to minimize disturbance, but it will bring more organization to the area. This will be a net positive impact on the adjacent property TMP 71-2. The added campsites adjacent to TMP 71-5 and TMP 71-4E will be screened by existing vegetation in the rear and side yard areas, therefore their impact on adjacent properties will be minimal.

E. Conclusion

Misty Mountain Camp Resort has been a place for people to gather to enjoy the outdoors for over 40 years. As development within the surrounding areas continues, it is increasingly important to provide opportunities like this for people to connect with nature. The addition of 68 campsites and the revised limit on the time of year in which the cabins can be used will allow that many more potential campers and families to spend time outdoors. The character of the campground will remain unchanged, it will just be expanded for more to enjoy.

Potential impacts on public facilities were evaluated, and no substantial detriment was found. The location of the site and the rural nature of its surroundings are such that its impact on schools, parks, public transportation, public infrastructure, and public safety facilities are inherently low. Preservation of environmental features on site is a key part of this development.

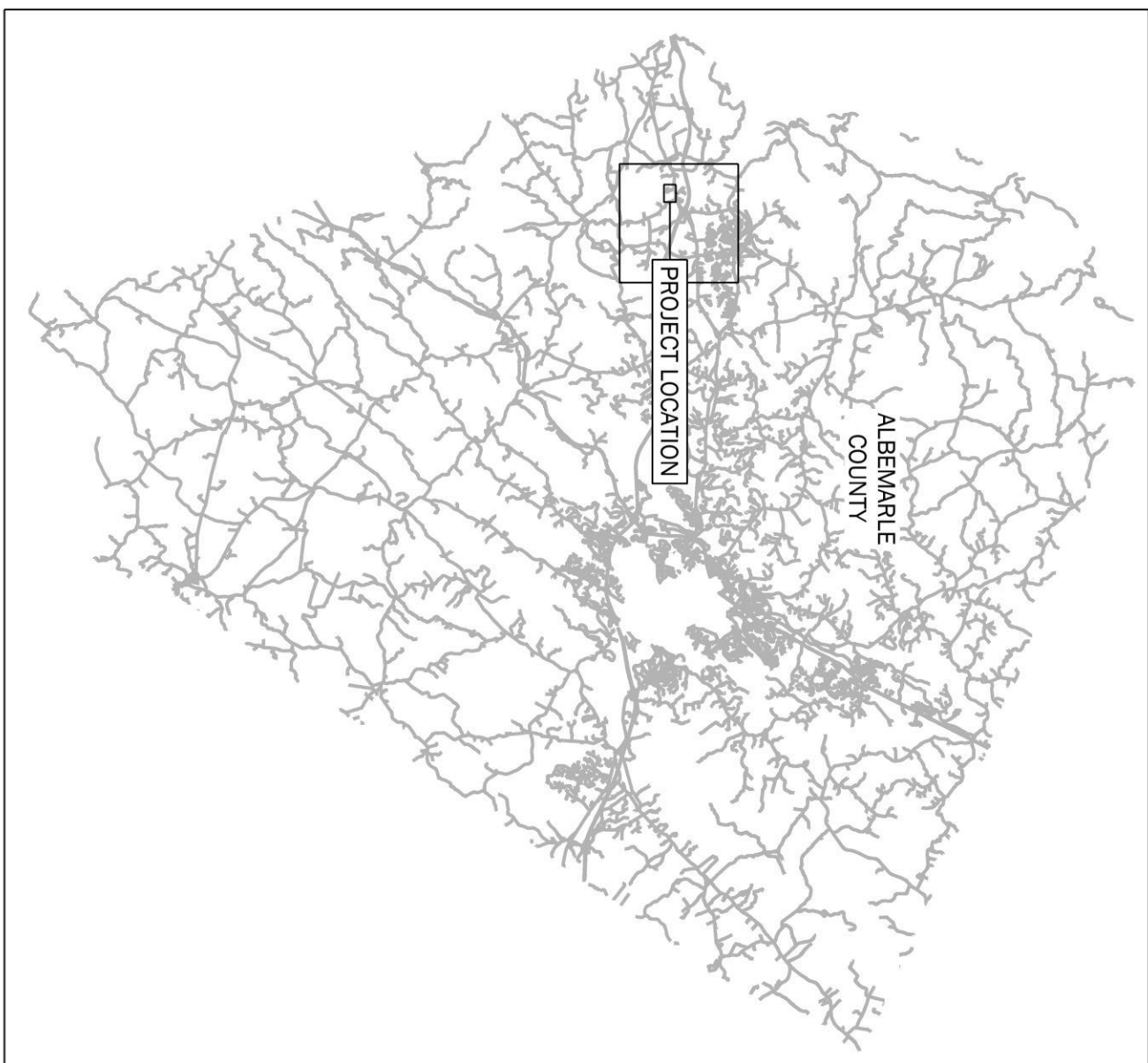
This special use permit is a chance to extend the benefits of the outdoors to more people and to fix existing zoning violations on the site.

List of Appendices

Appendix A: Existing Conditions Plan
Appendix B: Concept Plan
Appendix C: SP198200061 Action Letter
Appendix D: SP199400030 Action Letter
Appendix E: SP200900016 Legacy Document
Appendix F: SP201000048 Review Comments 2011-03-16

Appendix A
Existing Conditions Plan

Curve	Length	Radius	Delta	Tangent	Chord	Chord Bearing
C1	192.16'	1965.00'	5.3610°	96.15'	192.08'	N 79°20'12" E



MISTY MOUNTAIN CAMP RESORT REDEVELOPMENT

—
ALBEMARLE COUNTY, VIRGINIA

EXISTING CONDITIONS

LINE + GRADE
CIVIL ENGINEERING

C1.0

01/14/2022
FOR
APPROVAL

APPROVED

SUBMISSION NO. 1

PROJECT 2107001

LINE + GRADIENT

Appendix C
SP198200061 Action Letter

COUNTY OF ALBEMARLE



ROBERT W. TUCKER, JR.
Director of Planning

DEPARTMENT of PLANNING
401 McIntire Road
Charlottesville, Va. 22901-4596
804-296-5823

RONALD S. KEELER
Assistant Director of Planning
R. KEITH MABE
Principal Planner
NANCY MASON CAPERTON
Senior Planner
KATHERINE L. IMHOFF
Planner

December 3, 1982

Mr. Werner Kappes
Route 1, Box 275
Greenwood, Virginia 22943

Re: SP-82-61 Monticello - Skyline Campground, Incorporated

Dear Mr. Kappes:

The Albemarle County Board of Supervisors, at its meeting of December 1, 1982, approved your above-referenced special use permit request, subject to the following conditions:

1. No more than a total of 112 camping sites on property described as County Tax Map 71, Parcel 3, Samuel Miller Magisterial District, consisting of 47.11 acres zoned RA Rural Areas;
2. No new camping sites shall be located in the flood plain, as determined by the Army Corps of Engineers;
3. Health Department approval prior to Planning Commission approval of site plan;
4. Fire Official approval prior to Planning Commission approval of a site plan;
- ** 5. Conditions one and six of Conditional Use Permit #116 shall be met to the reasonable satisfaction of the Director of Planning;
6. No new camping sites or additional storage of parked trailers, campers and recreational vehicles. New and additional vehicles shall be in compliance with the Scenic Highway requirement of a 150-foot setback.

If you should have any questions with regard to this action and notification, please contact Mr. Ronald S. Keeler at 296-5823.

Sincerely,

Stuart L. Richard

Stuart L. Richard
Department of Planning

slr

** Attachment

cc: Jack Collins
Health Department
Zoning Administrator

Appendix D
SP199400030 Action Letter



COUNTY OF ALBEMARLE
Dept. of Planning & Community Development
401 McIntire Road
Charlottesville, Virginia 22902-4596
(804) 296-5823

December 29, 1994

Richard E. Carter
414 Park St
Charlottesville, VA 22902

RE: SP-94-30 James F. & Esther C. McDonald

Dear Mr. Carter:

The Albemarle County Board of Supervisors, at its meeting on December 14, 1994, approved the above-noted request to amend SP-82-61 to allow construction of ten (10) tourist cabins. Please note that this approval is subject to the following conditions:

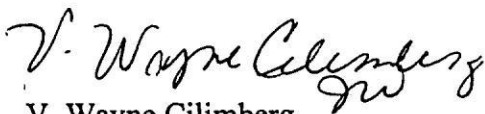
1. No more than a total of 112 camping sites on property described as County Tax Map 71, Parcel 3, Samuel Miller Magisterial District, consisting of 47.11 acres zoned RA Rural Areas. Not more than six of these camp sites may be used for cabins which are to be located on the south side of Stockton Creek in existing camp sites. Not more than four of these cabins may qualify as dwelling units. Any cabins constructed as dwelling units shall comply with the provisions of Section 10.2.1.1. No cabins shall be utilized until all appropriate Building Code and Health Department requirements have been met;
2. No new camping sites shall be located in the flood plain, as determined by the Army Corps of Engineers;
3. All such uses shall conform to the requirements of the Virginia Department of Health Bureau of Tourist Establishment Sanitation and other applicable requirements;
4. Provisions for outdoor cooking, campfires, cooking pits, etc., shall be subject to Albemarle County Fire Official approval;

Page 2
December 29, 1994

5. Conditions one and six of Conditional Use Permit #116 shall be met to the reasonable satisfaction of the Zoning Administrator;
6. No new camping sites or additional storage of parked trailers, campers and recreational vehicles ~~within the 150-foot setback~~. New and additional vehicles shall be in compliance with a 150-foot setback from the edge of the Route 250 right-of-way;
7. The cabins would not be used from November 15 to March 15.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



V. Wayne Cilimberg
Director of Planning & Community Development

VWC/jcw

cc: Ella Carey
Amelia McCulley

Jo Higgins
James & Esther McDonald

Appendix E
SP200900016 Legacy Document



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, Room 227
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4012

September 28, 2009

Mike Leo
56 Misty Mountain Road
Greenwood, VA 22943

RE: SP200900016 Music Festival
TAX MAP/PARCEL: 07100000000300

Dear Mr. Leo:

On September 9, 2009, the Albemarle County Board of Supervisors took action on SP #200900016 to allow a special event at the Misty Mountain Camp Resort on Tax Map 71, Parcel 3 in the Samuel Miller District. This special use permit was approved based on the following conditions:

1. The use shall conform to any existing applicable special use permits, including but not limited to SP-1994-30, whose terms are hereby incorporated by reference;
2. Development of the use shall be in conformity with the Concept Plan entitled Misty Mountain Camp Resort SP-2009-16 Music Festival, prepared by Albemarle County Office of Geographic Data Services, and signed by Mike Leo and dated August 6, 2009, (hereinafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator;

To be in conformity with the plan, development shall reflect the following central features within the development essential to the design of the development:

- location of temporary parking areas 1,2, and 3
- location of temporary stage

All activities related to the music festival shall take place within the area of the site bound by the Rockfish Gap Turnpike, Misty Mountain Road, Stockton Creek and the western parcel boundary. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;

3. A music festival special event shall be permitted once every twelve (12) month period, for a maximum of three (3) consecutive days consisting of one (1) week day and two (2) weekend days. Any increase in the number of special events shall require an amendment to this special use permit;
4. A maximum of fifteen (15) vendors shall be allowed to operate on any given day during the music festival;
5. Written approval from the Police Department, Fire and Rescue, and the Health Department shall be required each year prior to the issuance of a zoning clearance to allow the special event use;
6. No tree removal, grading, or disturbance shall take place within the driplines of the trees as shown on the Concept Plan prepared by Mike Leo, and dated March 25, 2009. Any grading or disturbance within ten (10) feet of any dripline shall necessitate submittal of a "Tree Protection Plan" in accord with section 32.7.9.4 of the Zoning Ordinance. No grading or disturbance within ten (10) feet of any dripline shall be permitted until: a) a survey and fencing have been

- completed and b) the Planning Director approves a plan which shows the grading or disturbance and the surveyed dripline of the existing trees;
7. Hours of operation for the music event shall be between 12:00 p.m. and 10:00 p.m.
 8. Off-site parking shall not be permitted except in authorized parking lots from which people are transported to the special event by shuttle or comparable vehicles;
 9. The maximum number of people allowed on the site for the special event on each day shall not exceed five hundred (500) persons.
 10. The maximum number of vehicles allowed to be parked on the site for the special event on each day shall not exceed two hundred twenty four (224).
 11. A minimum of twenty (20) private security, parking, and traffic control staff members shall be required on site each day of the music festival;
 12. Overnight camping outside the designated camping areas shall be prohibited;
 13. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval;
 14. The maximum level of noise shall not exceed sixty-five (65) dBA as measured from an adjacent property;
 15. The applicant shall reseed and restore the parking area site(s) as required by the zoning administrator within thirty (30) days of the last day of the special event;
 16. The site shall be restored and cleared of all trash, debris, and temporary structures associated with the special event within two (2) days after the final day of the special event; and
 17. Special use permit 2009-16 shall be valid until June 30, 2011.

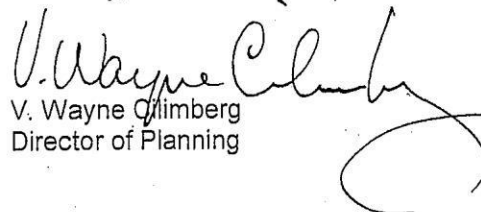
Please be advised that although the Albemarle County Board of Supervisors took action on the project noted above, no uses on the property as approved above may lawfully begin until all applicable approvals have been received and conditions have been met. This includes:

- compliance with conditions of the SPECIAL USE PERMIT;
- approval of a ZONING COMPLIANCE CLEARANCE.

In the event that the use, structure or activity for which this special use permit is issued is not commenced within twenty-four (24) months from the date of Board approval, it shall be deemed abandoned and the permit terminated. The term "commenced" means "construction of any structure necessary to the use of the permit."

If you have questions or comments regarding the above-noted action, please do not hesitate to contact Sherri Proctor at 296-5832.

Sincerely,


V. Wayne Olimberg
Director of Planning

Cc: 1906 LLC
30 Tupelo Road
Hilton Head Island, SC 29928

Email Copy: Tex Weaver; Chuck Proctor; Sherri Proctor; Elise Hackett

File

Appendix F

SP201000048 Review Comments 2011-03-16



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, Room 227
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4126

March 16, 2011

Michael D. Leo
56 Misty Mountain Rd
Greenwood, VA 22943

**RE: SP201000048 Music Festival
Tax Map 71, Parcel 3**

Dear Mr. Leo:

On March 9, 2011, the Albemarle County Board of Supervisors took action on the above referenced special use permit to continue allowing an annual special event at the Misty Mountain Camp on the above referenced parcel in the Whitehall District. This special use permit was approved based on the following conditions:

1. The use shall conform to any existing applicable special use permits, including but not limited to SP-1994-30, whose terms are hereby incorporated by reference;
2. Development of the use shall be in conformity with the Concept Plan entitled Misty Mountain Camp Resort SP-2009-16 Music Festival, prepared by Albemarle County Office of Geographic Data Services, and signed by Mike Leo and dated August 6, 2009, (hereinafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator;

To be in conformity with the plan, development shall reflect the following central features within the development essential to the design of the development:

- location of temporary parking areas 1, 2, and 3
- location of temporary stage

All activities related to the music festival shall take place within the area of the site bound by the Rockfish Gap Turnpike, Misty Mountain Road, Stockton Creek and the western parcel boundary. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;

3. A music festival special event shall be permitted once every twelve (12) month period, for a maximum of three (3) consecutive days consisting of one (1) week day and two (2) weekend days. Any increase in the number of special events shall require an amendment to this special use permit;
4. A maximum of fifteen (15) vendors shall be allowed to operate on any given day during the music festival;
5. Written approval from the Police Department, Fire and Rescue, and the Health Department shall be required each year prior to the issuance of a zoning clearance to allow the special event use;
6. No tree removal, grading, or disturbance shall take place within the driplines of the trees as

shown on the Concept Plan prepared by Mike Leo, and dated March 25, 2009. Any grading or disturbance within ten (10) feet of any dripline shall necessitate submittal of a "Tree Protection Plan" in accord with section 32.7.9.4 of the Zoning Ordinance. No grading or disturbance within ten (10) feet of any dripline shall be permitted until: a) a survey and fencing have been completed and b) the Planning Director approves a plan which shows the grading or disturbance and the surveyed dripline of the existing trees;

7. Hours of operation for the music event shall be between 12:00 p.m. and 10:00 p.m.;
8. Off-site parking shall not be permitted except in authorized parking lots from which people are transported to the special event by shuttle or comparable vehicles;
9. The maximum number of people allowed on the site for the special event on each day shall not exceed five hundred (500) persons;
10. The maximum number of vehicles allowed to be parked on the site for the special event on each day shall not exceed two hundred twenty four (224);
11. A minimum of twenty (20) private security, parking, and traffic control staff members shall be required on site each day of the music festival;
12. Overnight camping outside the designated camping areas shall be prohibited;
13. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval;
14. The maximum level of noise shall not exceed sixty-five (65) dBA as measured from an adjacent property;
15. The applicant shall reseed and restore the parking area site(s) as required by the zoning administrator within thirty (30) days of the last day of the special event; and
16. The site shall be restored and cleared of all trash, debris, and temporary structures associated with the special event within two (2) days after the final day of the special event.

Please be advised that although the Albemarle County Board of Supervisors took action on the project noted above, no uses on the property as approved above may lawfully begin until all applicable approvals have been received and conditions have been met. This includes:

- **compliance with conditions of the SPECIAL USE PERMIT;**
- **approval of a ZONING COMPLIANCE CLEARANCE.**

In the event that the use, structure or activity for which this special use permit is issued is not commenced within twenty-four (24) months from the date of Board approval, it shall be deemed abandoned and the permit terminated. The term "commenced" means "construction of any structure necessary to the use of the permit."

If you have questions or comments regarding the above-noted action, please do not hesitate to contact Ron Higgins at 296-5832.

Sincerely,


Wayne Cilimberg
Director of Planning

CC: 1906 LLC
30 Tupelo Road
Hilton Head Island, SC 22928