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CHIEF ADMINISTRATIVE
OFFICER

Staff Report Memorandum November 7, 2024

To: Planning Commission
From: Community Development Department
Subject: Hidden Gem Healing (Conditional Use Permit)
10657 S. Whirlaway Ln
[Community #22]

CUP09122024-006851
R-1-30A
.99 Acres

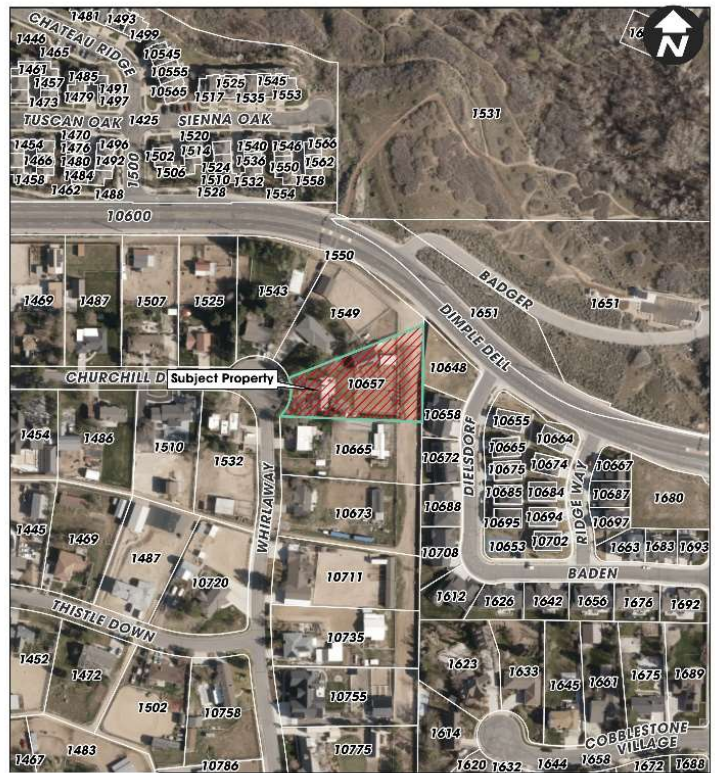
Public Meeting Notice: This item has been noticed to property owners within 500 feet of the subject area, on public websites, and at public locations.

Request

The applicant, Elena Bradway, is requesting approval of a conditional use permit to allow for a category II home occupation for outdoor use and group child activities for a property located at 10657 S. Whirlaway Lane. The request is to utilize outdoor space for equine assisted therapy sessions. Some sessions will be for groups of children. A category II home occupation for group child activities allows for up to 12 children per session or a maximum of 24 children per day. See Exhibit A and B for application materials.

Background

The subject property is located in the R-1-30A zone and is .99 acres (43,124 square feet). The subject property is lot 115 of the Bell Canyon Acres 1 subdivision. Properties to the north, south, and west are single family residential zoned R-1-30(A). Property to the east is single family residential zoned PUD 4.56.



CUP09122024-006851
Conditional Use Permit
10657 WHIRLAWAY LN

Sandy City, UT
Community Development Department

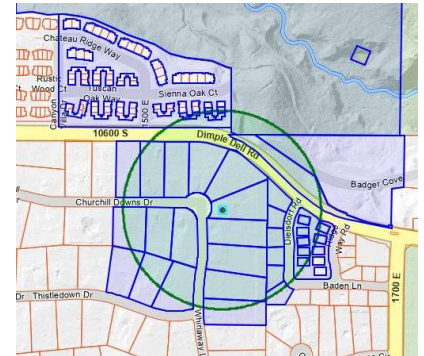
Property Case History	
Case Number	Case Summary
CUP-9-12-2551	Accessory building built up to 2,000 square feet and 30 feet in height with waived setbacks along north property line.

Public Notice and Outreach

This item has been noticed to property owners within 500 feet of the subject area by mail. A neighborhood meeting was held on October 10th and seven neighbors attended. The following comment was made:

1. Thinks that horse therapy is a good service to provide. Doesn't think it will impose on other properties.

In addition, ten emails and three phone calls have been received (Exhibit C).



Analysis

The applicant is proposing to use outdoor space including the barn and paddock area to hold equine assisted therapy sessions as outlined below. There is one other employee, her business partner, Sarah Jones, that will assist with the sessions. Proposed hours are from 8:00 am to 5:00 pm Monday through Friday with evening appointments one day a week from 5:00 pm to 8:00 pm. They will also operate on Saturday from 9:00 am to 6:00 pm. They are proposing to hold adult sessions with a maximum of two people, parent child sessions, and group child sessions as outlined below. The applicant is currently boarding one horse. The owner comes a couple of times a week to visit the horse. Horse boarding in the Bell Canyon Acres Subdivision is allowed under Sec. 21-19-34 of the Sandy City Land Development Code.

Any type of business using space outside the main home requires a conditional use permit as outlined in Section 21-11-5-(f)(7) of the Sandy City Development Code. The following standards shall be used to determine the maximum impacts permitted:

Sec. 21-11-5. Home Occupations.

(7) Business Not Conducted Within a Home.

...

- a. The applicant for a home occupation business license shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.
- b. No more than a maximum of 200 square feet, or, in the alternative, no more than 50 percent of the total floor space (whichever is the greater) of any accessory structure or attached or detached garage may be used for a home occupation unless an exception is granted by the Planning Commission through the conditional use permit, and they find that:
 1. The total floor space used for the home occupation in a detached accessory structure does not exceed the maximum size of an accessory structure that is permitted by-right within the zone, as regulated in this title (for example, the size of the accessory structure does not require a conditional use permit); and
 2. The use does not adversely impact the residential character of the neighborhood.

Group child activities require a conditional use permit as outlined in **Section 21-11-5(f)(4)** of the Sandy City Development Code. It states the following provisions indicate a maximum limit that may be granted by the Planning Commission for other group child group activities which are expected to generate or exceed eight children/students at any one time other

than child day care:

Sec. 21-11-5. Home Occupations.

(4) *Group Child Activities.*

...

- a. The following guidelines shall be used to determine the maximum number of students/children permitted:
 1. A Traffic Plan that has been reviewed and approved by the City Transportation Engineer which includes acceptable traffic flow, drop off, and turn-around areas.
 2. The existing residential street is of sufficient width to accommodate additional vehicular traffic.
- b. A maximum of 12 students/children per session and a maximum of 24 students/children per day shall be permitted.
- c. A maximum of four sessions per day may be permitted.
- d. All sessions combined shall not generate more than 24 vehicular stops per day.
- e. The total number of students/children shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
- f. No group child activities falling under a Category II home occupation may be established within 300 feet as measured from property line to property line of another group child activity, Category II home occupation use.

A proposed traffic plan has been reviewed and approved by the Sandy City Engineer, Britney Ward (see Exhibit B). All drop-off and pick-ups are to occur on the passenger side of the vehicle in the front of the home. No on-street parking is allowed at any time, including employee parking. The employee and one on one clients would need to park in the driveway and any group child lessons would be drop off/pick up only.

Conditional Use Standards

The City may impose conditions on a conditional use based on certain standards of review found in section 21-33-04 of Sandy City Land Development Code. The following items from that list are applicable to this particular request and merit discussion or additional consideration by the Planning Commission (staff analysis is found below in *italics*):

Sec. 21-33-4. Conditions.

In order to achieve compliance with the standards set forth herein, the City may impose conditions that address:

- (1) Size, configuration and location of the site and the proposed site plan layout.

The applicant is proposing to use outdoor space including the barn and paddock area for the equine assisted therapy.

- (5) Site circulation patterns for vehicular, pedestrian and other traffic.

The applicant is proposing to use the driveway for employee and one on one clients and have child groups dropped off and picked up in front of their property on Whirlaway Ln.

- (12) The regulation of operating hours for activities affecting normal schedules and functions.

The applicant is proposing to operate Monday through Friday from 8:00 am to 5:00 pm with evening appointments one day a week from 5:00 pm to 8:00 pm. They will also operate on Saturday from 9:00 am to 6:00 pm

- (14) Measures to assure compliance with all conditions and requirements of approval, including, but not limited to, bonds, letters of credit, improvement agreements, agreements to conditions, road maintenance funds, and restrictive covenants.

To be reviewed upon legitimate complaint

- (15) Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this title.

That the applicant complies with all Building & Safety, and Fire & Life Codes.

Staff Concerns

Staff is concerned about parking availability and insufficient space in the driveway. Expanding the parking area alongside the driveway would provide extra parking options.

Recommendation

Staff recommends that the Planning Commission approve a Conditional Use Permit for a category II home occupation for use of outdoor space and group child activities as described in the staff report for the property located at 10657 S. Whirlaway Lane based on the following findings and subject to the following conditions:

Findings:

1. The proposed use meets the intent of a category II home occupation for outdoor use and group child activities in the Sandy City Land Development Code.
2. The applicant has one horse boarder as allowed in the Sandy City Land Development Code.

Conditions:

1. That the applicant ensures that carpooling, walking, biking, or other alternative methods of transportation are used by patrons such that the maximum number of 24 vehicular trips is not exceeded.
2. That employee and client parking is located off street in the driveway.
3. That the applicant complies with all Building & Safety, and Fire & Life Codes applicable to a category II home occupation for child group activities.
4. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner:



Sarah Stringham
Planner

File Name: S:\USERS\PLN\STAFFRPT\2024\CUP09122024-006851 - HIDDEN GEM HEALING\STAFF REPORT HIDDEN GEM.DOCX

Exhibit "A"

Elena Bradway
10657 S Whirlaway Lane, Sandy, UT 84092
302-562-8105; hghealinginfo@gmail.com

9/13/2024

Planning and Zoning Department
City of Sandy
10000 Centennial Parkway
Sandy, UT 84070

Dear Planning and Zoning Department,

I am writing to formally request a conditional use permit to operate my equine-assisted therapy practice, Hidden Gem Healing, LLC, from my residence located at 10657 S Whirlaway Lane in Sandy. I am joined in this venture by my business partner, Sara Jones, a licensed mental health nurse practitioner who resides in Utah and will be present during most client sessions. The business is registered with the State of Utah, and as part of our services will be conducted in the paddock and barn area (site plan attached), we are applying for a Category II Home Occupation permit.

Equine-assisted therapy plays a vital role in addressing today's mental health needs by offering a unique approach to treating issues such as anxiety, depression, trauma, and behavioral challenges. Providing therapy in a natural, equine-focused setting greatly enhances the therapeutic experience and contributes positively to clients' well-being. Both Sara and I grew up with horses and have personally experienced their healing abilities. We are passionate about sharing this powerful experience with others, especially those who may not otherwise have the opportunity to interact with horses. I am confident that my home-based practice will be a valuable asset to the community.

My property is located in Bell Canyon Acres, an equestrian neighborhood established in the 1970s, specifically designed to accommodate horse owners. The facilities at my residence are well-suited for this type of business, and the equestrian character of the neighborhood aligns perfectly with the services offered at Hidden Gem Healing. Our therapeutic sessions will be held both indoors and outdoors, ensuring a safe and private environment for clients.

Hidden Gem Healing will offer one-on-one counseling and small group sessions. Group sessions will be structured as follows:

- Adult Group: 2 adults max
- Parent/Child Group: 2 family max
- Child Group: 12 children max

Our regular business hours will be from 8:00 a.m. to 5:00 p.m., Monday through Friday. We will also provide limited evening appointments, 1 day per week between the hours of 5:00pm and 8:00pm, as well as on Saturdays from 9:00 a.m. to 6:00 p.m. Total combination of daily individual appointments and group appointments will not generate more than 24 traffic stops or visits per day. All services are by appointment only which will control the traffic impact on the neighborhood. The attached site plan details available off-street parking and designated drop-off areas to further reduce any neighborhood disruption.

At Hidden Gem Healing, we are deeply committed to maintaining the peaceful nature of Bell Canyon Acres. Our business is rooted in providing quiet, private, and serene spaces where clients can focus on their mental health. Given the nature of our work, we do not anticipate any noise or environmental disturbances that would affect the surrounding community. Our goal is for our operations to blend seamlessly into the neighborhood, without drawing any attention from passersby.

Thank you for considering my application for a conditional use permit. I look forward to collaborating with the city to ensure that Hidden Gem Healing operates as a positive addition to the community. If you require any further information or documentation, please feel free to contact me.

Sincerely,



Elena Bradway

Exhibit "B"

Hidden Gem Healing, LLC
10657 S Whirlaway Lane
Sandy, UT 84092

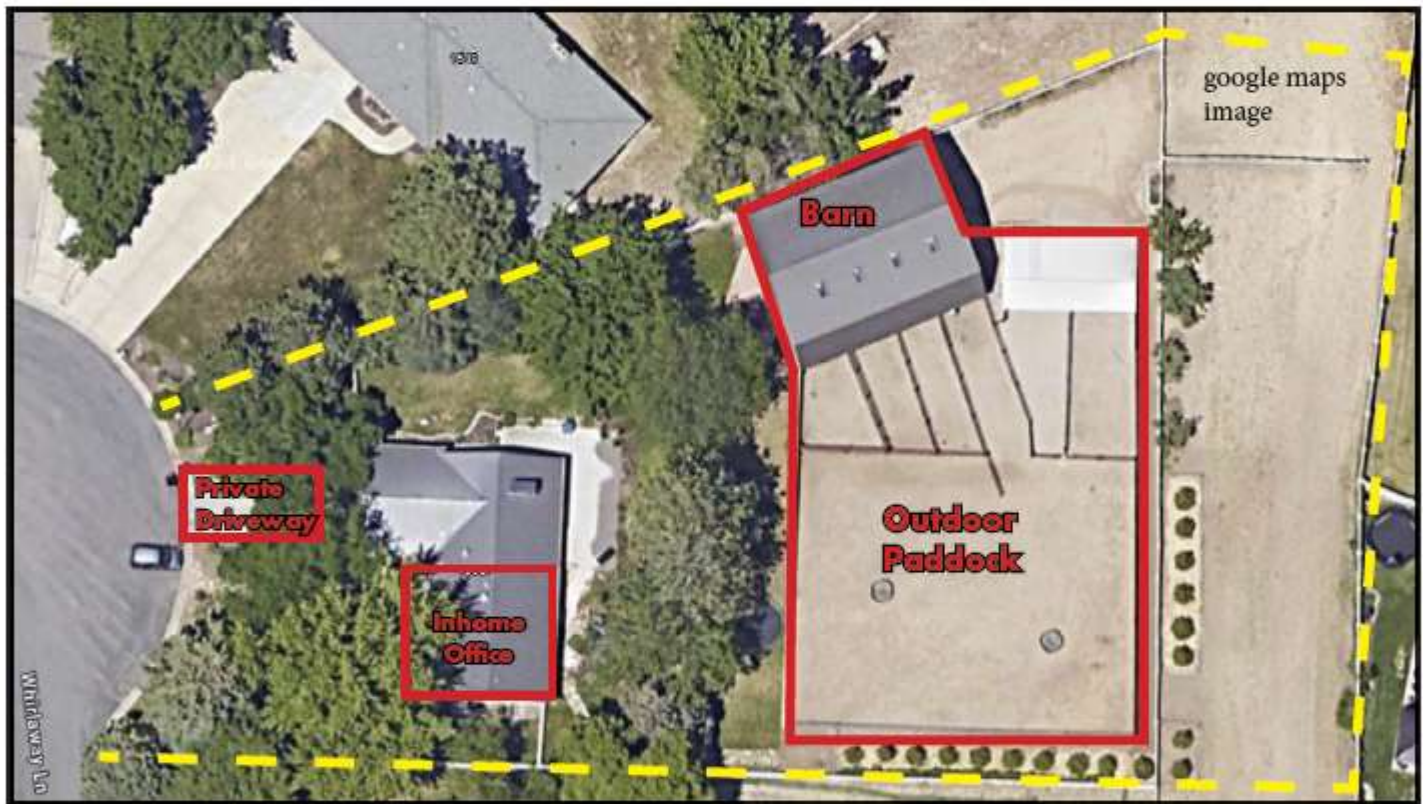
Conditional Use Permit Application - Site Plan and Traffic Plan

The below site plan details the proposed areas of use for the home based business:

- 1. BARN: Indoor covered structure that will be used for client work.
- 2. OUTDOOR PADDOCK: Outdoor open space that will be used for client work.
- 3. INHOME OFFICE: Indoor office space in primary dwelling that will be used for client work.

Traffic Plan:

Our home has a driveway that can accommodate up to 4 cars at a time. Clients and the one employee can park here, this is completely off-street. The home is located in a semi cul de sac so that there is ample space for a car to pull over and drop off/pick up a client without hindering any oncoming regular traffic.



Cul de sac for drop-off:
10657 S Whirlaway Ln

Driveway

Barn & Paddock



Exhibit "C"

From: Jillian Zitting <jillbzitting@gmail.com>
Sent: Friday, October 11, 2024 9:04 AM
To: Sarah Stringham <sstringham@sandy.utah.gov>
Subject: [EXTERNAL] Support for Hidden Gem Healing

Ms. Stringham,

I would like to express my support for Hidden Gem Healing equine therapy as a part of our community in Sandy. Elena Bradway, one of the owners, is a deeply passionate, experienced and committed person, who will create a meaningful and impactful experience for her clients. As someone who works in addictions myself, I have seen the positive impacts that equine therapy can have for those that are struggling with their mental health. I have no doubt that Elena will run this business smoothly and with the upmost care and consideration for the neighborhood. Thank you for your consideration.

Jillian Bruhn Zitting

From: Larsen, Larry <larry.larsen@cbrealty.com>
Sent: Thursday, October 10, 2024 10:09 AM
To: Sarah Stringham <sstringham@sandy.utah.gov>
Subject: [EXTERNAL] Elena Bradford Conditional Use Request

To Whom it may concern,

Our property abuts 10657 South Whirlaway Lane, which is the proposed "Elena Bradway conditional use request" for a commercial enterprise running a horse therapy business from their residentially zoned property.

We have lived in our property since 1988 (36 years) located at 1549 East Churchill Downs Drive. It has been a quiet and peaceful neighborhood.

An equestrian therapy business has no place in a residential zone. A better solution might be for Ms. Bradway to find a commercially zoned property and conduct her business there.

We are strongly opposed to any conditional use permit being issued. The current horse boarding business, run by the Bradway's, has created an on-street parking nightmare. They do not have adequate off-street parking to accommodate that business, let alone adding to the situation by the creation of another business enterprise in a residential zone.

The current on-street parking issue blocks my mailbox access for post office deliveries, hampers snow removal efforts of Sandy City, hampers garbage collection efforts, restricts the available turning radius for emergency vehicle apparatus and creates an eyesore. We feel if this were a commercial zone the zoning guidelines would require ample off-street parking for their clients and customers. Yet, it seems that issue is not addressed in the residential zone here.

I have attached photos for your review of the current parking problems. Please be advised that we request any continuance of this request be denied.

Regards,

Larry and Carolina Larsen



From: Elena Kessi <elena@aquafin.net>
Sent: Monday, October 14, 2024 10:28 PM
To: Sarah Stringham <sstringham@sandy.utah.gov>
Subject: RE: [EXTERNAL] Elena Bradford Conditional Use Request

Hi Sarah, thanks for sharing Larry's email and for your time on the phone today. I appreciate the city taking all comments under consideration and allowing me the opportunity to address concerns. I would like to provide the following insight to Larry's comments (and pictures):

- The pictures Larry shared appear to be from the same day, taken at different angles, which may unintentionally create a misleading impression.
- To date I have not received any complaints from:
 - o the USPS regarding their ability to deliver mail,
 - o Sandy City regarding snow removal,
 - o Waste Management Services regarding garbage pickup.
- When we purchased our home, the previous owner suggested we ask friends to park perpendicular rather than parallel, as it allows more cars to fit in front of the house. Apparently, this is how they always had visitors park. We were unaware this wasn't allowed until January 9, 2024, when the police informed us. Since then, all friends and visitors have been parking parallel. The pictures Larry sent are from before this date.
- Regarding claims that my boarding business is creating excessive traffic, I disagree. I have one boarder, who typically visits 2-3 days per week. We also have family and friends who visit regularly, which is within city code for personal visitors.
- We have off street parking in our driveway, as detailed in the business application, and this is where clients of Hidden Gem Healing will park.

If you have any questions or receive additional inquiries about the proposed application, please don't hesitate to reach out. I am committed to working closely with the city to ensure that Hidden Gem Healing provides a beneficial and positive addition to the local community.

Elena Bradway

From: Molly Fredrickson <mfred14@gmail.com>
Sent: Friday, October 11, 2024 11:07 AM
To: Sarah Stringham <sstringham@sandy.utah.gov>
Subject: [EXTERNAL] Hidden Gem Healing LLC

Hi Sarah,

I'm sending this email in support of Elena Bradway's proposal to start a residential business in equine-assisted therapy, Hidden Gem Healing LLC. This is a wonderful opportunity for those seeking out specialized therapies, and would greatly benefit these individuals throughout our community. Please consider her proposal for a home occupation permit in order to get her business started and available to those in need of these services. Thank you for your consideration,
Molly Fredrickson

From: Armin Wagman <ajwagman@sbcglobal.net>
Sent: Friday, October 11, 2024 1:39 PM
To: Sarah Stringham <sstringham@sandy.utah.gov>
Subject: [EXTERNAL] Support for Hidden Gem Therapy

Dear Ms. Stringham:

I am writing this email to support you giving a permit to Hidden Gem Therapy. I feel this will be a good business for Sandy and potential customers. I feel the company has expertise and experience that qualifies them for this type of business.

Thanks,
Armin

Armin J Wagman, M.D.
ajwagman@sbcglobal.net
417-300-1901

From: MADDY FACCIPONTIWARNER <facciponti@aol.com>
Sent: Friday, October 11, 2024 1:51 PM
To: Sarah Stringham <sstringham@sandy.utah.gov>
Subject: [EXTERNAL] Hidden Gem Healing

This email shall serve to strongly support the approval of granting Hidden Gem Healing a permit to run their business from their barn and paddock in Sandy.

We are a resident of Sandy as well as a friend and neighbor and understand the importance and benefits of equine assisted therapy, which has proven to be very valuable, especially in these times when anxiety, depression and other challenges have increased tremendously.

Thank you for your consideration,

Maddy and Skip Warner
Sandy

From: Merilynn Kessi <mkessi@aquafin.net>
Sent: Friday, October 11, 2024 1:34 PM
To: Sarah Stringham <sstringham@sandy.utah.gov>
Subject: [EXTERNAL] Application from Hidden Gem Healing

Hello Sarah,

I am writing to express my support for the conditional use permit application from Hidden Gem Healing submitted by Elena Bradway. I think that it will provide a much need service to local residents and fits well with the neighborhood where it is located.

Sincerely,
Merilynn Kessi
2002 Ashley Ridge Rd
Sandy UT 84092

From: Barbara Young <barbaray724@msn.com>
Sent: Friday, October 11, 2024 2:43 PM
To: Sarah Stringham <sstringham@sandy.utah.gov>
Subject: [EXTERNAL] Equine therapy

I have heard there is an application for an equine therapy business. I support Elena and Sara in their request to establish Hidden Gem Healing.. Barbara and Stuart Young, long time residents.

From: HENRY MERRILL <merriha@comcast.net>
Sent: Monday, October 14, 2024 12:46 PM
To: Sarah Stringham <sstringham@sandy.utah.gov>
Subject: [EXTERNAL] Hidden Gem Healing

Wanted you to know that I am a resident of Sandy, and I support the application of Hidden Gem Healing.

Henry Merrill
11050 Trailwood Cove
Sandy

From: Jason Levin <slevin50@me.com>
Sent: Monday, October 14, 2024 1:42 PM
To: Sarah Stringham <sstringham@sandy.utah.gov>
Subject: [EXTERNAL] Hidden Gem Healing LLC

Hello,

I am writing to request you approve the permit for Hidden Gem Healing LLC.

My daughter suffered from severe anxiety as a child and her therapist recommended equine therapy. Bonding with these gentle giants was so beneficial for her.

I also know Elena Bradway personally and have a lot of faith in her ability to run a successful equine therapy business. She is a competent business person and a lifelong animal activist and horse enthusiast. This business would be a great asset to the city of Sandy.

Thank you for your time.

Susan Levin
1867 E Ashley Valley Lane, Sandy
954-263-3978

-----Original Message-----

From: Marilyn Bevis <mmbbevis10@gmail.com>
Sent: Wednesday, October 23, 2024 7:30 PM
To: Sarah Stringham <sstringham@sandy.utah.gov>
Subject: [EXTERNAL] Hidden Gem Healing

CAUTION: Do not click links, open attachments, or reply, unless you recognize the sender's email address!

Hi Sandy, I have been a Sandy resident since 1979, and I support the application from Hidden Gem Healing. Thank you for your hard work.