

**January 4, 2021**

**ADMINISTRATIVE INTERPRETATION  
DECISION AND FINDINGS  
PLNZAD2020-00968**



**REQUEST:**

A request for an administrative interpretation regarding a proposed business located at 510 West 900 South. The proposed business, Checkerspot, is a biotechnology company that primarily utilizes derived natural polymers for the application on outdoor recreation equipment. This company will also integrate retail goods, as well as an office component to sell and promote the outdoor equipment. The request involves confirmation on whether the uses associated with the proposed business would be permitted in the CG (General Commercial) zoning district. The subject parcel and the surrounding parcels are located in the CG (General Commercial) zoning district.

**DECISION:**

The Zoning Administrator finds that the proposed uses associated with Checkerspot are all permitted uses within the CG (General Commercial) zoning district.

**FINDINGS:**

As provided by the applicant, the proposed use includes the following:

- **Laboratory Testing:** Checkerspot uses microbes to produce novel oils to create new, application specific, high performance materials. Additionally, material science is utilized in the formulation development and application testing of our bio-based polymers.
- **Retail Goods:** Checkerspot will create a storefront selling branded merchandise, offering demo skis for visiting skiers to try out and basic retailing of skis and related outdoor accessories.
- **Industrial Assembly:** Checkerspot utilizes developed bio-based polymers into application specific uses for consumer products built onsite. The equipment employed for the assembly uses, include: material testing instruments including Instron, Dynamic Mechanical Analyzer and Rheometer, coupled with fabrication equipment such as CNC router, sander, grinder, print press, welder, sewing machine, laminator and a variety of common shop tools.
- **Office:** Checkerspot will also utilize a portion of the space for office use.

The Salt Lake City Zoning Ordinance, Chapter 21A.62, defines the following uses:

**INDUSTRIAL ASSEMBLY:** An industrial use engaged in the fabrication of finished products from component parts produced off site. Assembly use shall not entail metal stamping, food processing, chemical processing or painting other than painting that is accessory to the assembly use.

**LABORATORY, TESTING:** A use engaged in determining the physical qualities of construction, medical or manufactured materials. This use does not include research laboratories engaged in scientific experimentation.

**OFFICE:** A type of business use, which may or may not offer services to the public, that is engaged in the processing, manipulation or application of business information or professional expertise. An office use is not materially involved in fabricating, assembling or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services. Examples of profession offices include accounting, investment services, architecture, engineering, legal services and retail estate services. Unless otherwise specified, office use shall include doctors' and dentists' offices. Office use shall not include any use or other type of establishment which is otherwise specifically listed in the table or permitted and conditional uses for the applicable zoning districts.

**RETAIL GOODS ESTABLISHMENT:** A building, property or activity, the principal use or purpose of which is the sale of physical goods, products or merchandise directly to the consumer. Retail goods establishment shall not include any use or other type of establishment which is otherwise listed specifically in the table of permitted and conditional uses found in Chapter 21A.33 of this title.

The Salt Lake City Zoning Ordinance lists all of the proposed uses as permitted within the CG (General Commercial) zoning district.

### **Standards for Use Interpretation**

Use interpretations are subject to the standards found in section 21A.12.050 of the Salt Lake City Zoning Ordinance. The analysis of each standard is as follows:

**A. Any use defined in Chapter 21A.62 of this title shall be interpreted as defined;**

***Finding:*** The proposed use is most similar to a combination of "laboratory, testing", "industrial assembly", "office", and "retail goods establishment" uses as defined in chapter 21A.62 of the Salt Lake City Zoning Ordinance.

**B. Any use specifically listed without a "P" or "C" designated in the table of permitted and conditional uses for a district shall not be allowed in that zoning district;**

***Finding:*** The listed uses that best match the proposed use are all permitted uses in the CG (General Commercial) zoning district.

**C. No use interpretation shall allow a proposed use in a district unless evidence is presented demonstrating that the proposed will comply with the development standards established for that particular district;**

***Finding:*** The applicant proposes to comply with all development standards applicable to the CG (General Commercial) zoning district.

**D. No use interpretation shall allow any use in a particular district unless such use is substantially similar to the uses allowed in that district and is more similar to such uses than to uses allowed in a less restrictive district;**

***Finding:*** While the proposed uses may have some similarities to uses allowed in less restrictive districts, they are substantially similar to listed and permitted uses in the CG zoning district. Therefore, they are permitted.

**E. If the proposed use is most similar to a conditional use authorized in the district which it is proposed to be located, any use interpretation allowing**

**such use shall require that it may be approved only as a conditional use pursuant to Chapter 21A.54 of this title; and**

**Finding:** None of the uses as interpreted would require conditional use approval.

**F. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of that zoning district.**

**Finding:**

*The purpose statement for the CG (General Commercial) is as follows:  
The purpose of the CG General Commercial District is to provide an environment for a variety of commercial uses, some of which involve the outdoor display/storage of merchandise or materials. This district provides economic development opportunities through a mix of land uses, including retail sales and services, entertainment, office, residential, heavy commercial and low intensities of manufacturing and warehouse uses. This district is appropriate in locations where supported by applicable master plans and along major arterials. Safe, convenient and inviting connections that provide access to businesses from public sidewalks, bike paths and streets are necessary. Access should follow a hierarchy that places the pedestrian first, bicycle second and automobile third. The standards are intended to create a safe and aesthetically pleasing commercial environment for all users.*

The proposed uses, as described by the applicant, are consistent with the purpose statement above since the proposed uses will provide “economic development opportunities through a mix of land uses, including retail sales and services, entertainment, office, residential, heavy commercial and low intensities of manufacturing..”

If you have any questions regarding this interpretation please contact Kelsey Lindquist at (385) 226-7227 or by email at [kelsey.lindquist@slcgov.com](mailto:kelsey.lindquist@slcgov.com).

**APPEAL PROCESS:**

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website at <http://www.slcgov.com/planning/planning-applications> along with information about the applicable fee. Appeals may be filed in person or by mail at:

<b>In Person:</b> Salt Lake City Corp Planning Counter 451 S State Street, Room 215 Salt Lake City, UT	<b>US Mail:</b> Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114-5417
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**NOTICE:**

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.

Dated this 4<sup>th</sup> day of January, 2021 in Salt Lake City, Utah.

*Kelsey Lindquist*

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Kelsey Lindquist  
Senior Planner

cc: Nick Norris, Planning Director  
Joel Paterson, Zoning Administrator  
Greg Mikolash, Development Review Supervisor  
Posted to Web  
Applicable Recognized Organizations