



Memorandum

To: Planning Commission
From: Niall Connolly, Principal Planner
Date: May 10th, 2024
Re: Mural Application, Zion Adventures, 36 Lion Blvd

Introduction

Michele Van Hise and Rick Praetzel have applied for permission for a mural at their business premises at 36 Lion Blvd. The Town Code allows murals, subject to review by the Art Review Board and approval from the Planning Commission.

Section 10-17-4(C) of the Town Code states:

The mix of colors on a structure or wall surface to create a mural or other similar artistic display is only allowed:

1. As a sign in conformance with the sign regulations in chapter 24 of this title, or
2. As a work of art in accordance with the Town's standards for works of art and after review by the art review board.

The proposed mural does not meet the standards for a sign, so it must be considered as a mural.

The mural is already in place, and so this is a retrospective application. We therefore recommend that the Commissioners visit the mural prior to the meeting to familiarize themselves with it.

Process for Reviewing and Approving Murals

The standards which murals are assessed against are set out in the *Town of Springdale Public Art and Art Review Board Policy*. This document is appended to this report. The section which is relevant in this case is as follows:

Murals in Commercial Zones

Murals may be displayed on buildings in the commercial zones and must meet the following standards:

- *The mural will not create a traffic hazard or otherwise compromise safety in the town.*
- *The mural must be compatible with and related to the historical, geographical, or natural context of Springdale and Zion Canyon*
- *All colors used in the mural must be on the town's adopted color palette.*

- *The mural may be displayed only on one wall of the commercial building and must be limited in size to no more than 75% of the gross wall area (including window and door areas) upon which it is displayed or 250 square feet, whichever is less.*
- *The mural may not contain advertising or signage elements and may not contain direct or indirect references to the products or services offered for sale at the commercial building.*

The art review board will review all requests for murals in the commercial zones. The art review board will hold a public meeting to consider such requests, and then make a recommendation to the planning commission whether or not the proposed mural meets the standards above. The planning commission will then approve or deny the proposed mural.

Art Review Board Decision

The Art Review Board convened on December 4th, 2023 to review the proposed mural. They recommended approval of the mural, subject to two conditions. This is the recommendation from the Art Review Board:

Motion made by Lisa Zumpft to recommend approval of the mural at Zion Adventure Company with the following condition:

- 1. All of the colors must come into compliance with the Town's color palette.***
- 2. The mural's signage must not reference the advertisement, but it may be appropriate if it references something geographic.***

Seconded by Sue Kenaston

Sue Kenaston: Aye

Jan Passek: Aye

Lisa Zumpft: Aye

Vicki Bell: Aye

Because the mural is already in place, it would need to be partially repainted to come into compliance with the Town's color palette, and to remove the signage element. Following the Art Review Board meeting, the applicant was advised that they should work with Town staff to identify exactly which colors on the mural needed to be repainted to comply with the palette. Then, based on those specific changes, the applicant should then bring a proposal for a revised mural to the Planning Commission.

Application to the Planning Commission

The applicant in this instance has indicated that they would prefer to apply to the Planning Commission for approval of the mural with the existing colors. However, they have also indicated that they are willing to remove the signage element from the mural. In seeking approval for non-color palette colors, the applicant is seeking to apply section 10-17-4B of the Code. This section of the Code sets out the circumstances where the Planning Commission may approve a color not on the palette. This is as follows:

An applicant may request a color not on the palette for a new structure, building, or sign, or for a remodel or renovation of an existing structure, subject to the Planning Commission first applying the following standards to determine if the proposed color may be allowed:

- 1. The proposed color is compatible with the existing natural and built surroundings of the site, pursuant to criteria contained in subsections B.1. through B.3. of this section;*
- 2. The proposed color will not detract from natural vistas as viewed from surrounding properties and the SR-9 highway corridor;*
- 3. The proposed color is integral to the design scheme for the building, structure, sign, or site and no color on the palette could reasonably be used in place of the proposed color to achieve a similar design result (conformance to franchise mandated color schemes shall not, by itself, be deemed justification for meeting this standard); and*
- 4. Specific measures will be taken to mitigate any increased visual impact of the proposed color such as: Use of vegetation to screen the proposed color from prominent views, orienting surfaces with the proposed color out of sight of prominent views, or other measures the commission deems reasonable and appropriate.*

The applicant has provided a written statement explaining why they consider an exception to the color palette should apply in this case. The planning commission should review the applicant's statement and make a determination on this point.

Applicable Ordinances

The Commission may wish to refer to the following ordinance to help inform the review of this application.

- Section 10- 17: Color Palette

The Commission should also refer to the *Town of Springdale Public Art and Art Review Board Policy* which is appended to this report for convenience.

Staff Analysis

The Art Review Board members are specifically selected based on their expertise in a particular artistic medium. As well as ensuring that the relevant standards for murals have been satisfied, their role is to deliberate on the artistic merits of the mural proposals. As such, the Planning Commission is not tasked with deliberating on the artistic merits of the proposed mural. The Commission's role is to ensure that the relevant standards have been met. These are set out in the table below:

Standard	Comments
The mural will not create a traffic hazard or otherwise compromise safety in the town.	The Planning Commission should draw a conclusion on whether or not this mural creates a traffic hazard or otherwise compromises safety in the Town.
The mural must be compatible with and related to the historical, geographical, or natural context of Springdale and Zion Canyon	The mural depicts a mountainous, canyon scene and features flora and fauna found in Zion Canyon.
All colors used in the mural must be on the town's adopted color palette.	<p>The mural was not created with the Town's color palette in mind. While a detailed analysis has not been done to determine exactly which colors are not on the palette, it is clear that many, if not most of the colors are not compliant.</p> <p>Section 10-17-4B sets out circumstances where the Planning Commission may approve colors other than those on the color palette. The applicant requests that this exception be applied in this case. The Planning Commission should make a determination on this point.</p>
The mural may be displayed only on one wall of the commercial building and must be limited in size to no more than 75% of the gross wall area (including window and door areas) upon which it is displayed or 250 square feet, whichever is less.	<p>The mural is 240 sq ft in size.</p> <p>The aerial views below show how the mural relates to the rest of the building. The approximate area of the mural is shown in yellow.</p> 

	 <p>“Gross wall area” is not defined in the Town Code. Therefore the Commission must make an interpretation of what “gross wall area” means. If the “gross wall area” is taken as this particular section of the elevation, then the mural takes up essentially 100% of the gross wall area. However, if the “gross wall area” is taken as the entire elevation of the building which faces Lion Blvd, then the mural is about 20% of the gross wall area.</p> <p>The Planning Commission should determine the most appropriate way to define “gross wall area” in this instance.</p>
<p>The mural may not contain advertising or signage elements and may not contain direct or indirect references to the products or services offered for sale at the commercial building.</p>	<p>The mural includes a cartoon image of a sign post, with the text “Zion Adventures” and “Coyote Cyclery”. The Art Review Board interpreted these elements of the mural as advertising or signage with direct or indirect reference to products and services available in the building. They therefore recommended a condition that the text should be removed altogether, or replaced with a geographic reference. The applicant is willing to make this alteration.</p>
<p>The Town’s public art policy defines murals as:</p> <p>The mix of colors, designs, shapes and other design elements painted or permanently affixed onto an exterior building wall for the purpose of artistic display</p>	<p>The mural was created using spray paint on an existing exterior wall.</p>
<p>Most of the colors on the mural are not within</p>	<p>1. The colors are not generally found in the</p>

the Town's color palette. To gain approval for colors not on the palette, the following criteria must be satisfied (see section 10-17-4(B)):

1. The proposed color is compatible with the existing natural and built surroundings of the site, pursuant to criteria contained in subsections B.1. through B.3. of this section;
2. The proposed color will not detract from natural vistas as viewed from surrounding properties and the SR-9 highway corridor;
3. The proposed color is integral to the design scheme for the building, structure, sign, or site and no color on the palette could reasonably be used in place of the proposed color to achieve a similar design result (conformance to franchise mandated color schemes shall not, by itself, be deemed justification for meeting this standard); and
4. Specific measures will be taken to mitigate any increased visual impact of the proposed color such as: Use of vegetation to screen the proposed color from prominent views, orienting surfaces with the proposed color out of sight of prominent views, or other measures the commission deems reasonable and appropriate.

natural and built surroundings of the site. Rather, they were chosen intentionally to provide a contrast to the surrounding natural and built environment. The choice of contrasting colors is an intentional and essential element of the design, according to the applicant. The Commission should make a determination on whether the choice of colors that "contrast" with the natural and built surroundings can be considered "compatible" in this case.

2. The mural is some distance from SR-9, and due to its orientation is unlikely to detract from natural vistas as viewed from SR-9.

As viewed from other properties - the mural is visible from the Hoodoos Market property on the opposite side of Lion Blvd. Due to the positioning and orientation of the buildings, the mural is unlikely to detract from natural vistas as viewed from the Hoodoos Market property.

3. The colors that were selected for the mural are not in themselves integral to the design. At the same time, the applicant has stated in their submission: *"With such spectacular scenery, the idea of replicating or producing realistic images does not capture the joy and childlike sense of enjoyment or wonder. This mural was designed to evoke the emotions and sentiments felt as one did when one was a child reading the 'funny papers' on a weekend morning over a bowl of cereal."* Based on this explanation the Commission should determine whether the choice of colors was essential to arrive at this design result, and if these colors are integral to the design.

4. The wall upon which the mural appears is

	<p>slightly recessed from the rest of the buildings, and is about 45 ft setback from the sidewalk. There is some vegetation and trees on the property which obscure the mural from certain angles. The mural is not on the most prominent or visible face of the building, it is on a less obviously visual building wall.</p>
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Planning Commission Action

The Planning Commission should review the mural to determine if it complies with the applicable standards in the Town Ordinance and Town's policy for public art. In particular, the Commission should determine if the use of colors which are not on the Town color palette can be used in this instance (see section 10-17-4B). Staff recommends the Commission specifically consider the items in the table above.

Sample Motion Language

The Planning Commission may refer to the following sample language when making a motion on the application:

*The Planning Commission **approves/ denies** the proposed mural application at Zion Adventures, 36 Lion Blvd as discussed at the Commission meeting on May 15th, 2024. The motion is based on the following findings:*

[LIST FINDINGS]

The Planning Commission may choose to apply one of, or both of the conditions recommended by the Art Review Board. The Planning Commission may choose to apply other conditions, or no conditions at all.

This report contains three appendices. These are as follows:

Appendix 1: Details of the Mural

Appendix 2: Town of Springdale Public Art and Art Review Board Policy

Appendix 3: The applicant's statement, including photos of other pieces of art, signs etc in Town that include off-palette colors.

Appendix 1: Details of the Mural

THE ORIGINAL ZION EXPEDITIONERS

ZION Adventures™

36 Lion Blvd.
Springdale, UT 84767
phone 435-772-1001



Location: 36 Lion Blvd

Mural on wall between building structures

Dimensions: 30' x 8'

This mural is designed to celebrate Zion Canyon's colorful geology, flora and fauna. With such spectacular scenery, the idea of replicating or producing realistic images does not capture the joy and child-like sense of enjoyment or wonder. This mural was designed to evoke the emotions and sentiments felt as one did when one was a child reading the 'funny papers' on a weekend morning over a bowl of cereal.



The cliffs situated in the background are Eagles Crags and all flora and fauna are native to Zion Canyon. Natural colors found in Zion Canyon's wildflowers, sky and flora are utilized the way a child might express them when coloring in a coloring book.

This mural is located on the wall connecting the primary and secondary structures at 36 Lion Blvd. It is tucked away and setback from Lion Blvd; separated from passersby by a sidewalk, parking lot and walkway around the buildings. Often times bicycles, chairs, small tables etc are on the patio type area in front on the mural.

The mural does not receive direct lighting, so it not illuminated at night.

Appendix 2: Town of Springdale Public Art and Art Review Board Policy

Town of Springdale Public Art and Art Review Board Policy

Section 1 – Purpose

The Town of Springdale values public art. The Town promotes a community where creativity and artistic expression complement the majestic natural surroundings. This policy establishes guidelines for the display of art on public grounds and buildings. It also establishes standards for displaying artistic murals on residential and commercial buildings. The intent of this policy is to allow and encourage publically displayed art that is compatible with the Town's natural surroundings and village character.

Section 2 – Definitions

Mural: The mix of colors, designs, shapes and other design elements painted or permanently affixed onto an exterior building wall for the purpose of artistic display.

Public Art: Any visual work of art displayed for two weeks or more in an open publically owned area, on the exterior of a public facility, inside any town-owned facility in areas designated as public areas, or on private property if the work of art is installed or financed, either wholly or in part, with town funds or with grants procured by the town.

Work of Art: Includes but is not limited to the art forms of sculpture, monument, mural, fresco, relief, fountain, banner, benches, architectural furniture, and performance art facilities. Includes the art mediums of weaving, carving, painting, assemblage, collage, casting, and sculpting.

Section 3 – Art Review Board

The art review board oversees the town's public art program and makes recommendations to the Planning Commission regarding murals on private properties. The art review board is composed of five positions. Three of the positions are "permanent positions" and two positions are "rotating positions" as follows:

- two permanent positions from the local arts and humanities council
- one permanent position from the town council
- two rotating positions, filled by artists with expertise in a particular medium

The artists filling the rotating positions are chosen by the three permanent positions. The artists selected based on their expertise and experience with the issues, projects, and proposals the art review board is currently reviewing.

The persons filling the permanent positions serve until they are replaced by the arts and humanities council or the town council, as applicable. The artists filling the rotating positions serve for a term of one meeting and are selected anew each time the board meets.

Section 4 – Public Art Review Process

Except for art displayed in the Canyon Community Center, all public art installations will be reviewed by the art review board. The art review board will develop criteria for evaluating and selecting public art installations. After holding a public meeting to review a proposed public art installation, the review board will make a recommendation to the town council whether or not to approve the public art installation. The council will then approve or deny the public art installation.

Section 5 – Mural Review Process and Standards

Murals in Residential Zones

Murals may be displayed in the residential zones on the rear wall or interior courtyard walls of buildings in the residential zones, as long as the mural is not visible from adjacent properties or streets. There is no review process required for these murals. Murals in the residential zones that are visible from adjacent properties or streets may be displayed subject to the following standards:

- The mural will not create a traffic hazard or otherwise compromise safety in the town.
- The mural must be compatible with and related to the historical, geographical, or natural context of Springdale and Zion Canyon.
- All colors used in the mural must be on the town's adopted color palette.
- The size of the mural must be consistent with the architectural scale and feel of the building or setting.

The art review board will review all requests for murals in residential zones that are visible from adjacent properties or streets. The art review board will hold a public meeting to consider such requests, and then make a recommendation to the planning commission whether or not the proposed mural meets the standards above. The planning commission will then approve or deny the proposed mural.

Murals on Publicly Owned Buildings and Walls

Murals may be displayed on publicly owned buildings and walls on publicly owned properties. Murals on public buildings must meet the following standards:

- The mural will not create a traffic hazard or otherwise compromise safety in the town.
- The mural must be compatible with and related to the historical, geographical, or natural context of Springdale and Zion Canyon.
- All colors used in the mural must be on the town's adopted color palette.
- The size of the mural must be consistent with the architectural scale and feel of the building or setting.

The art review board will review all requests for murals on publicly owned buildings and walls. The art review board will hold a public meeting to consider such requests, and then make a recommendation to the town council whether or not the proposed mural meets the standards above. The town council will then approve or deny the proposed mural.

Murals in Commercial Zones

Murals may be displayed on buildings in the commercial zones and must meet the following standards:

- The mural will not create a traffic hazard or otherwise compromise safety in the town.
- The mural must be compatible with and related to the historical, geographical, or natural context of Springdale and Zion Canyon.
- All colors used in the mural must be on the town's adopted color palette.
- The mural may be displayed only on one wall of the commercial building and must be limited in size to no more than 75% of the gross wall area (including window and door areas) upon which it is displayed or 250 square feet, whichever is less.
- The mural may not contain advertising or signage elements and may not contain direct or indirect references to the products or services offered for sale at the commercial building.

The art review board will review all requests for murals in the commercial zones. The art review board will hold a public meeting to consider such requests, and then make a recommendation to the planning commission whether or not the proposed mural meets the standards above. The planning commission will then approve or deny the proposed mural.

Appendix 3: The Applicant's Statement, including photos of other pieces of art, signs etc in Town that include off-palette colors.



Town of Springdale
Planning Commission Meeting
May 15, 2024

Zion Adventure Company Request for use of Off-Palette Colors on a Mural

Commissioners:

My name is Rick Praetzel. I am one of two equal-share owners in Zion Adventure Company located at 36 Lion Blvd here in Town. The purpose of this letter is to ask you to consider allowing us to keep a mural at our place of business with the off-palette colors that were included in the mural design. Our mural is on a fence in front of the breezeway between our two buildings at 36 Lion Blvd.

My partner, Michele Van Hise and her daughter, MeiLi, conceived the mural last summer after looking at the Town Ordinance and seeing nothing disallowing it. MeiLi is a Junior at Temple University in Philadelphia, PA in the art school there. We consider the mural an expression of playfulness and innocence as conceived by MeiLi. She and Michele cleaned and painted the fence together.

After it was finished, we heard from Code Enforcement that we needed to have received approval for this work of art. Michele navigated the review process by the Town and eventually received a recommendation for an approval with 2 conditions: 1) Remove the language on sign painted within the context of the mural so that it does not refer to any services located on the property, 2) Bring all of the colors on the mural within the Town color palette.

In our point of view, changing the colors on the mural extinguishes it as an act of self-expression. It would no longer represent the role of the Van Hise family and their experience here in southern Utah.

As a result, we are asking for the Commission to consider if we can be approved through the code section Section 10-17-4-B so we can keep the mural as a marker in our history as a family business.

An applicant may request a color not on the palette for a new structure, building, or sign, or for a remodel or renovation of an existing structure, subject to the Planning Commission first applying the following standards to determine if the proposed color may be allowed:

- 1) *The proposed color is compatible with the existing natural and built surroundings of the site, pursuant to criteria contained in subsections B.1. through B.3. of this section;*
 - o We have bright purple and green flowers on the premises
 - o Trees nearest the mural have bright white blossoms
 - o Views from the property regularly provide a cobalt blue sky backdrop
 - o Massive, bright orange stones decorate the Lion Blvd frontage
 - o Red-Pink gravel in the front center yard at 36 Lion
 - o Numerous Rt 9 art displays use colors similar to this mural.
- 2) *The proposed color will not detract from natural vistas as viewed from surrounding properties and the SR-9 highway corridor;*
 - o The mural can be seen from only 1 other property across the street
 - o When looking at the mural, you can not also see cliffs & canyons
 - o If murals already on SR-9 do not detract, this Lion Blvd mural will not detract
- 3) *The proposed color is integral to the design scheme for the building, structure, sign, or site and no color on the palette could reasonably be used in place of the proposed color to achieve a similar design result (conformance to franchise mandated color schemes shall not, by itself, be deemed justification for meeting this standard); and*
 - o As a work of art, color selection is a big part of the expression of the work
 - o The playful nature of the mural, (like on SR-9) depends partly on the selected colors.
- 4) *Specific measures will be taken to mitigate any increased visual impact of the proposed color such as: Use of vegetation to screen the proposed color from prominent views, orienting surfaces with the proposed color out of sight of prominent views, or other measures the commission deems reasonable and appropriate.*
 - o The mural is somewhat secluded away from the street with trees blocking it from some angles
 - o It is often obstructed by drying racks during the cleaning hours of 4-8 pm.

I would like to present 2 dozen photos of art objects in Town that contain off-palette colors and do not seem to be detrimental to the public in any way. These photos could be provided prior to the meeting in digital form if the Commission would appreciate saving the time of showing them and discussing them.

Thank you for this opportunity.



Rick Praetzel,
Managing Member, Zion Adventure Company LLC

















