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Mountain Brook Planning Commission
Dana Hazen, Director of Planning, Building, and Sustainability
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Sent Via E-Mail

RE: Request to Use Alternative Materials Pursuant to Art. XXXI, Section 129-556(b)(5) of the Mountain Brook Code for the Future Rougaroux Restaurant Located at 2716 Culver Road, Mountain Brook, Alabama 35213.

To the Planning Commission,

We hope this letter finds you well. Please allow this letter to serve as a formal request for approval to use “alternative materials” under the Village Overlay Standards. Specifically, on behalf of the future Rougaroux restaurant located at 2716 Culver Road (the old Sneaky Pete’s building), we are requesting Planning Commission approval to paint the exterior brick a warm white color. As set forth more fully below, this request is in keeping with the spirit of all applicable rules and zoning regulations. Furthermore, it will greatly enhance the aesthetic appeal of the building and the Culver Road streetscape.

This letter is divided in to two parts. Part I is an explanation of the concept and scope of the proposal to bring Rougaroux to Mountain Brook Village. Part II details the request for approval of “alternative materials” to paint the exterior brick a warm white color. Importantly, the Village Design Review Committee has considered and approved the proposed exterior paint color, pending Planning Commission approval. *See* Village Design Review Committee Case Summary Letter, attached hereto as Exhibit “A.” Thank you in advance for your consideration.

I. The Rougaroux at 2716 Culver Road.

A. The Concept

Rougaroux is a casual counter-service restaurant concept that serves authentic New Orleans po-boys, gumbo, house-made boudin, muffuletta, burgers, and other classic takes on Cajun dishes. The atmosphere is laid-back, offering authentic Cajun food in a relaxed setting. The aesthetic is kitschy and quirky, paying tribute to casual and relaxed creole culture as well as Bywater shotgun-style architecture of the French Quarter. Rougaroux prides itself on sourcing the

best ingredients. For example, Rougaroux sources bread from the Leidenheimer, a classic New Orleans bakery, meats from Cochon, a classic New Orleans butcher shop, and only serves fresh wild-caught Gulf seafood. Rougaroux’s food travels well, allowing Rougaroux to offer an array of to-go and catering options, meeting a need for those who wish to enjoy their food at home.

B. Design and Build

1. Davis Architects

Architect Andrew Taylor of Davis Architects (“Davis”) will serve as the lead architect on the project. Davis is a nationally recognized architecture, design, and planning studio located in Birmingham, Alabama. Davis has been involved in many transformative projects, such as the Alys B. Stephens Center, the Bryant-Denny Stadium endzone expansions, the Brock School of Business at Samford University, and numerous others, both locally and nationally.

2. Hallmark Builders

Hallmark Builders, Inc. (“Hallmark”) is a commercial contractor that has been in business for more than sixty years. Hallmark has completed many notable projects, including work for Altec Industries, Burr & Forman, P.C., Barber Advanced Design Center, and many others. Hallmark has also been involved with several build-outs in both phases of the Lane Parke development. Hallmark will serve as the general contractor for the construction of Rougaroux.

C. The Rougaroux Team

1. Ed Stacey

Mr. Stacey is a restaurateur that specializes in concept development, restaurant operations, and sourcing fresh seafood and meats. Mr. Stacey worked a fresh seafood distributor for many years, requiring much travel back and forth from New Orleans. He opened the first Rougaroux in Forest Park, repurposing an 100-year-old house into a restaurant. He also developed Hotbox at Parkside with co-owner Ryan Champion.

2. Ryan Champion

Mr. Champion is a professional chef with experience in working in elite restaurants all over the United States. Mr. Champion has worked in Michelin star restaurants. Locally he has served as a chef at Bottega under renowned chef Frank Stitt III. Mr. Champion also spent years as a chef at Commander’s Palace in New Orleans. Mr. Champion has worked alongside Mr. Stacey to develop successful local concepts Rougaroux and the Hotbox at Parkside.

D. Operations

1. Site and Business Specifics

- a. Zoning: Local Business
- b. Site Size: .05 Acres
- c. Tenant Space Size: 1,269 Square Feet

- d. Proposed Use of Tenant Space: Fast-Casual Restaurant
- e. Existing Parking Spaces: 2
- f. Proposed Parking Spaces: 0 Additional Spaces
- g. Proposed Hours of Operation:
 - Monday—Saturday 11:00 AM to 9:00 PM
 - Sunday—Closed (except when the Saints are playing)
- h. Number of Employees: 5
 - Daytime Employees: 5
 - Nighttime Employees: 5

E. Impacts

1. The proposed use is compatible with surrounding existing uses.

Rougaroux’s offerings are completely unique to Mountain Brook Village. Rougaroux as proposed will not compete with existing food service businesses and will enhance retail businesses by increasing foot traffic in the area. As illustrated below, there is no restaurant with similar offerings to what is proposed by Rougaroux.

Address	Tenant	Food Offering
2418 Montevallo Road	Another Broken Egg	Breakfast and brunch focused foods including omelets, eggs benedicts, pancakes, waffles, and some burger, sandwich, and salad offerings.
2708 Culver Road	Watkins Branch Bourbon and Brasserie	Food inspired by traditional French brasserie, robust plates and concentrated craft cocktails
2837 Culver Road	Daniel George	Fine dining, white table-cloth offerings featuring a daily changing menu of seafood, wild and domestic game, meats, poultry, and fresh produce.
2805 Cahaba Road	Gilchrist	Old-fashioned soda fountain featuring simple sandwiches, chicken/tuna salads, and milkshakes.
900 Jemison Lane	Char Bar No. 7	Sports Bar and Grill featuring steaks, burgers, sandwiches, and salads.

291 Rele Street	Chop N Fresh	Gourmet salads, greens, and grains, with made-from-scratch dressings.
920 Lane Parke Ct.	Sol Y Luna	Mexican restaurant featuring unique tapas, tacos, flautas, and more.
2838 Culver Road	Olexa's	European style bakery featuring crepes, sandwiches, salads, and baked goods.
2400 Montevallo Road	Carrigan's Public House	Gastropub featuring American fare and craft cocktails.

2. This proposal is in harmony with the Village Master Plan and land use policy.

The Property is zoned for Local Business, which prefers retail and restaurant uses. Rougaroux, as proposed, is in keeping with this zoning designation, and in keeping with the vision, values, and goals set forth in Mountain Brook's Village Master Plan ("the Plan"). The Plan contemplates preserving Mountain Brook's unique character, facilitating eclectic complementary architecture while preserving the past, and promoting independent and local businesses to ensure a unique and local flavor. *See* § 3.1, Vision. Rougaroux also meets the stated goal of seeking more opportunities for evening business activity. *Id.*

Furthermore, Rougaroux also satisfies the land use policy set forth in the Plan. *See generally* Section 3.2. Pursuant to the Land Use Policy Map, the Property's recommended land use is General Commercial—Retail Dominant. This particular use prefers ground level activity which generates a high degree of pedestrian activity and are generally retail and restaurant type uses. This particular category of land use disfavors ground level service and office uses at these key locations.

Rougaroux fits squarely within the narrow zoning window and preferred uses as contemplated by the Plan. Rougaroux, as proposed, is consistent with the goals set forth in the Plan to promote independent local businesses and preserve Mountain Brook's character. In short, Rougaroux is a great fit for Mountain Brook Village and the 2716 Culver Road location.

II. Rougaroux requests relief from a strict application of the Village Overlay Standards set forth in Article XXXI, Section 129-556(b)(3) governing the prohibition of any new painted brick.

Rougaroux seeks Planning Commission approval to paint the entire exterior, including existing unpainted brick, of 2716 Culver Road a warm white color. *See* Rougaroux Exterior Rendering, attached hereto as Exhibit "B." The specific color proposed is Benjamin Moore Spanish White (OC-35/943). A color swatch of the proposed color is attached hereto for your review and reference. *See* Spanish White Color Swatch, attached hereto as Exhibit "C." On December 14, 2022, the Village Design Review Committee approved the chosen paint color,

among other requests.¹ Approval of this request would greatly enhance the appearance of the Rougaroux restaurant and the Culver Road streetscape. Without Planning Commission approval, painting new exterior brick is violative of the Village Overlay Standards. *See* Section 129-556 (b)(3). However, there is a mechanism in the zoning code which allows for this request where certain conditions are satisfied. *See* Section 129-556(b)(5).

Pursuant to the Village Overlay Standards, the Planning Commission, in its sole discretion, may approve of “alternative materials” other those prescribed in Section 129-556 (b)(3), if: (1) the Village Design Review Committee first approves the request; and (2), the additional conditions set forth in the Village Overlay Standards are satisfied. These Planning Commission may approve a request to use “alternative materials” where:

- (a) Use of the proposed material advances the design objectives specified in this section;
- (b) The proposed material meets the "equal or better" standards in subsection (4)(a—d) for any material that it is similar to;
- (c) Use of the proposed material is consistent with the architectural style for the proposed building and will help achieve the objectives set forth in the Design Guidelines in section 5.0 of the Village Master Plan; and
- (d) Use of the proposed material is limited and does not introduce the potential to erode the overall character of the village if applied in a similar manner on other sites.

Section 129-556(b)(5)(a)-(d). As required, Rougaroux has already obtained the necessary Village Design Review Committee approval. (Ex. A). Furthermore, as discussed in detail below, Rougaroux satisfies each condition set forth in Section 129-556(b)(5). Given this, Rougaroux’s request to use “alternative materials” in the form of painting exterior brick is consistent with the spirit of the Village Overlay Standards and is due to be approved by the Planning Commission.

A. Approval of this request advances the design objectives of the Village Overlay Standards.

The design objectives of the material specifications set forth in Section 129-556(a)(1)-(3) of the Village Overlay Standards seek to:

¹ The Rougaroux Proposal went before the Village Design Review Committee on December 14, 2022. Three items were at issue: approval of the signage including re-adaptation and re-use of the existing roof sign; approval of the proposed screening materials, and approval of the proposed paint colors for the signage and exterior painted brick, pending subsequent Commission Approval. These requests were unanimously approved. *See* Ex. A.

- (1) Enhance the existing character of the villages through the use of materials and architectural styles that are compatible to existing buildings throughout the village;
- (2) Permit flexibility and variety in architectural style, design and function while maintaining and promoting consistency with the overall form, scale and aesthetics of all of the buildings collectively in the villages;
- (3) To preserve the value and investment in buildings with quality and durable materials that complement the public investment in streetscapes and open spaces throughout the village.

Here, as set forth below, approval of Rougaroux’s request to paint the exterior brick meets the stated design objectives of the Village Overlay Standards.

First, painted brick in this circumstance is consistent with the overall feel of the Rougaroux project. Furthermore, it is designed to enhance the Culver Road streetscape. The exterior color selected is a color match to the Gunn Dermatology building located across the street from Rougaroux to ensure compatibility with existing buildings. The exterior brick at issue is not within the scope of what the material specifications of the Village Overlay Standards are designed to protect—such as the antique brick exteriors of Harrison’s, Barton Clay, and others.

Second, painted brick is consistent with the feel of a traditional New Orleans Bywater po-boy shop. Stucco is the only other viable alternative under the material specifications of the Village Overlay Standards, which is inconsistent with the feel and overall aesthetic of Rougaroux. The mechanism in the code to approve “alternative materials” was designed for situations like this one, where flexibility is necessary to create a product that is consistent with the overall architectural feel of the project.

Last, the Rougaroux’s project and proposal will not just preserve value—it will create value. The 2716 Culver Road location has remained vacant since Sneaky Pete’s closed its doors during the pandemic. The Rougaroux project will bring the existing building into compliance with all current zoning, health, safety, and fire-code requirements, building code requirements, and Mountain Brook design standards. Rougaroux’s proposal is an opportunity to replace a blighted building with an attractive new restaurant amenity occupied by a very high-quality operator. This proposal will benefit surrounding property owners, Mountain Brook residents, and patrons of Mountain Brook Village alike. In short, the Rougaroux project as proposed meets all the design objectives set forth in the Village Overlay Standards and will be a tremendous addition to Mountain Brook Village.

B. The “equal to or better” standards set forth in Section 129-556(4)(a)-(d) are satisfied where applicable.

The “equal to or better” standards are not entirely applicable here, since painted exterior brick is not designed to simulate another material, which is the primary focus of these standards. However, where applicable, the “equal to or better” standards are satisfied. *See generally* Section 129-556(4). For example, one requirement is that the material proposed has a demonstrated track

record of success. *See* Section 129-556(4)(c). Clearly, there is a track record of successful projects featuring painted brick throughout Mountain Brook Village, across the street at Lane Parke, and even on Culver Road.

The “equal to better” standards also require benefits beyond cost savings. The request to paint the exterior brick provides benefits beyond cost savings: it is the only way to upgrade the exterior that is consistent with the intended feel of the restaurant. There have been two instances where garbage trucks have collided with the electrical box in the rear of the building, resulting in burn and soot damage to a large portion of the back of the building. The plans also call for new brick to encase the walk-in freezer and provide support the rooftop mechanicals in the back-left corner of the building. *See* Permit Set, attached hereto as Exhibit “D.” It will be difficult if not impossible to match the new brick with the existing brick, resulting in a disjointed aesthetic. Thus, for the project to maintain a cohesive and attractive exterior appearance, the brick needs to be painted or covered in its entirety.

Without Village Design Review Committee and Planning Commission approval to paint the exterior, stucco is the only option to cover the burn and soot damage and new brick portion of the building. As discussed extensively herein, stucco is not in keeping with the intended architectural feel or authentic “old-school New Orleans po-boy shop” aesthetic and would detract from the overall feel of the project.

C. In this context, a painted exterior brick is consistent with the architectural style of the proposed building and advances the design guidelines set forth in section 5.0 of the Village Master Plan.

Though it will no longer a hot-dog joint, Rougaroux does not want to change the gritty history and character of this property, but rather embrace it. Rougaroux seeks to evoke an “old-school” New Orleans, Bywater po-boy shop feel and aesthetic. Every design decision which has been made to this point is in furtherance of this goal. Rougaroux wants the building to feel as if it has been there forever, even though it functionally will be a new restaurant. For example, Rougaroux is re-using the roof-sign and repurposing of the old Sneaky Pete’s roof-sign, advancing the Village Master Plan’s stated goal of preserving a connection with the past through architecture. The current proposal follows many decisions designed to carry the history and feel of the property forward without changing it entirely.

These decisions are designed to create a “sense of place,” which is the stated goal of Section 5.0 of the Village Master Plan. This requires facilitating architecture with a unique and identifiable character. Rougaroux’s request to paint the exterior brick rather than stucco the exterior brick is designed to maintain the historical nature of the property instead of changing it. In keeping with Rougaroux’s overall feel and aesthetic, painted exterior brick is the best option to create an attractive exterior without changing the entire feel of the building.

D. There is no potential for approval of this request to erode the overall character of the Mountain Brook Village.

The Village Design Review Committee and Planning Committee’s bifurcated process for approval of “alternative materials” ensures that: (1) any request will be thoroughly considered; and (2) will only be granted where appropriate in the context of a particular project. The precipitating factors that require painting the exterior brick in the first place (burn and soot damage and a small area of new brick to be blended with existing brick) are building-specific. Therefore, this request is incapable of creating blanket precedent for similar requests.

Given the “one-off” nature of this request, approval of Rougaroux’s request does not create potential for bad precedent which would erode the overall character of Mountain Brook Village. To the contrary, Mountain Brook Village and the Lane Parke Development feature many painted brick buildings already. These buildings have not detracted from the character of Mountain Brook Village but enhanced it. In this context, Rougaroux’s proposal would be no different. Rougaroux’s request to use “alternative materials” and paint the existing exterior brick satisfies every condition set forth in the Village Overlay Standards codified at Section 129-556(b)(5) of the Mountain Brook Code, and is due to be approved.

III. CONCLUSION

In consideration of the foregoing, we respectfully request that the Planning Commission approve this request to pain the exterior brick. Please let us know if there is anything else you would like to know, and we will provide it. We are excited for the opportunity to bring Rougaroux to Mountain Brook Village.

Sincerely,



Jay Friedman

Enclosures:

- (A) Village Design Review Committee Case Summary Letter
- (B) Rougaroux Exterior Rendering
- (C) Benjamin Moore “Spanish White” (OC-35/943) Color Swatch
- (D) Rougaroux Restaurant, Permit Set
- (E) Relevant Excerpts of Village Design Overlay Standards



VILLAGE DESIGN REVIEW COMMITTEE
CASE SUMMARY LETTER

Case: V-22-43
Meeting Date: December 14, 2022
Location: 2716 Culver Road, Rougaroux
Applicant: Jay Friedman, jayfriedman@friedman-lawyers.com

Concerning the application of Rougaroux, the Village Design Review Committee elected as follows:

- Approval of variance to allow roof sign as submitted.
- Approval of the façade sign of scrolling text above the entry way.
- Approval of the proposed screening materials for the mechanical equipment that will be moved to the roof.
- Conditional approval of the chosen paint colors for the brick exterior, pending approval of the Planning Commission.

Please contact the Revenue Department to purchase your sign permit. 205-802-3805

Thank you,

Tyler Slaten, Planner
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The **ROUGAROUX**
RESTAURANT et BAR
NEW ORLEANS *Specialties*
PO'BOYS • GUMBO • BOUDIN
DINE IN *or* TAKE OUT

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BENJAMIN MOORE "SPANISH WHITE"

OC-35/943

