

★ Roll Call Number

Agenda Item Number

5

Date December 17, 2007

Be it resolved by the City Council of the City of Des Moines, Iowa.

That the following application is hereby submitted for consideration to the Iowa Alcoholic Beverages Division of the Iowa Department of Commerce:

101 Lounge, 102 3rd Street, Class C Liquor License. Recommendation from Community Development Department to deny.

Moved by \_\_\_\_\_ to

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

December 13, 2007

Scott Moore, Registered Agent  
Warehouse 101, LLC  
101 4<sup>th</sup> Street a/k/a 102 3<sup>rd</sup> Street  
Des Moines, IA 50309

Re: Liquor License for 101 Lounge

Dear Mr. Moore:

Upon review of your recent application for a liquor license and the subsequent inspection of the property located at 102 3<sup>rd</sup> Street it has been found that the building remains in violation of applicable building codes, in violation of the special use permit granted by the Zoning Board of Adjustment and is being occupied in violation of the temporary Certificate of Occupancy. In addition, the interior raised platform area and outside deck remain in violation and the handicapped lift was installed without permits.

On September 27, 2006 the Zoning Board of Adjustment issued a special use permit for the building to allow its use as a bar. The special use permit was granted with the condition that your business be in compliance with all applicable city codes. In December of 2006 building plans for conversion of the building to a bar use were approved with the agreement that the inside raised platform and outside deck area would not be used due to code compliance problems. It was noted specifically on the plan review that the outside deck and the interior raised platform were not part of the review and that the stairs to the raised interior platform would be removed and the area would be guarded against access.

On January 4, 2007 a Temporary Certificate of Occupancy was issued. The occupancy was required to comply with the Zoning Board of Adjustment decision.

On May 18, 2007 Warehouse 101, LLC was issued a notice of violation for failure to comply with the Zoning Board of Adjustment decision and order and that the use of the property not in compliance with the approved plan. On August 24, 2007 you were personally served notice of violation of these same issues.



PERMIT AND  
DEVELOPMENT CENTER  
ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309 -1881  
(515) 283-4200

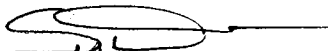
ALL-AMERICA CITY  
1949, 1976, 1981  
2003

The inspection found that the building failed to comply with code compliance requirements, specifically; the interior raised platform and outside deck area were not secured in violation of the building review agreement. On September 25, 2007 the City filed a legal action and in CE 57105 sought an order directing compliance with the permit requirements and the Zoning Board of Adjustment decision and order. On November 27, 2007 the City of Des Moines received an order directing that you cease use of the interior raised platform area and outside deck until you were in compliance with all requirements. The Community Development Department upon inspection performed on December 7, 2007, found the building to be in violation of the court order by failing to have installed barricades in front of the stairs and in front of the entrance and exit areas that lead to the areas that should not be accessed.

As of the date of this letter, your permits have not been finalized, the raised interior platform and outside deck are not considered handicapped accessible, and these areas are still accessible to the public. Consequently, the Zoning Division of the City of Des Moines is recommending that the City Council deny your liquor license because of these continued violations.

This matter will be considered by the City Council on Monday, December 17, 2007 at the regularly scheduled council meeting.

Sincerely,



SuAnn Donovan  
Deputy Zoning Enforcement Officer