



Roll Call Number

Date June 14, 2021

Agenda Item Number

5

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 Beverags Divison of the Iowa Department of Commerce:

Escape Chambers, 338 SW 6th Street, renewal Class C Liquor License.
Building, Fire and Zoning Departments recommend denial.

Moved by _____ to adopt.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, P. Kay Cmelik, 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



Neighborhood Services Department
Zoning Inspection Division
602 Robert D. Ray Drive
Des Moines, IA 50309
515.283.4046
NID@dmgov.org

June 7, 2021

Escape Chambers, LLC
d/b/a Escape Chambers
Registered Agents Inc., Registered Agent
315 E 5th Street, Suite 202
Waterloo, IA 50703

Escape Chambers
Kerry Poznanski
n62w29133 Old Barn Rd
Hartland, WI 53029

Sent by email: info@escapechambers.com

Re: 338 SW 6th Street – Class C Liquor renewal

Dear Mr. Poznanski;

On August 22, 2018 the zoning board of adjustment entered a decision and order that allowed AKA Holdings, LLC to operate a mix of existing and future recreational and tavern uses, in ZON2018-00149.

AKA Holdings holds title the property at 338 SW 6th Street. The mailing address for both AKA Holdings and Escape Chambers have the same contact and mailing address.

One of the provision in the board decisions and order was that any renovation on site shall be in compliance with all applicable building and fire codes, with issuance of all necessary permits by the Permit and Development Center.

On or about November 22, 2019 it was discovered that work was being completed inside the building without the required permits. This work requires that building, electrical, plumbing and mechanical permits be obtained.

On January 6, 2020 the City of Des Moines Fire Department issued a stop work order. The stop work order cited building changes without permits, and without plans being approved, by conversion of the second floor or axe throwing, using hot plates for cooking, blocked and obstructed egress.

On or about February 11, 2020 the City of Des Moines Permit and Development Division issue a notice of violation citing building changes (occupancy, use, construction features) without permit issuance and associated inspections that included a built out 2nd level with bar, restrooms and seating areas. Have built out escape rooms in the basement area. Work was done without permits or inspections.

Permits have not been applied for or issued.

The application by Escape Chambers, LLC, d/b/a Escape Chambers, is scheduled to come before the Des Moines City Council for consideration on June 14, 2021.

Since the sale of alcoholic beverages at this premise is in violation of the Conditional Use Permit and the requirement to obtain building permits for renovation of the structure city staff is obligated to recommend that the application be denied.

Sincerely,

/s/ SuAnn Donovan

SuAnn Donovan
Neighborhood Services Deputy Director
City of Des Moines
602 Robert D. Ray Drive
Des Moines, IA 50309
smdonovan@dmgov.org

DES MOINES FIRE DEPARTMENT

STOP WORK ORDER



From the Office of the Fire Prevention Section – Phone (515) 283-4240

6-Jan-20

Lumber Axe / Escape Chambers
338 SW 6th Street
Des Moines, Iowa 50309

FireHouse Occupancy #17723

RE: Changes to building without securing building permit

Attention Building Owner/Occupant:

Your building/business was found to be in violation of the International Fire Code Section 102.3 (change of use or occupancy without a permit) on 12/31/19. This violation has been deemed dangerous and potentially unsafe. You are hereby ordered to cease operations, as detailed below, immediately. In accordance with IFC Section 111.2; this order has been provided in writing and has been given to the *owner* of the property, or to the *owner's* agent, or to the person doing the work. Upon issuance of this stop work order, the cited work shall immediately cease.

Reasons for the order:

1. Building changes (occupancy, use, construction features) without permit issuance and associated inspections.

Specific Operations to be remedied:

1. The 2nd floor of the building shall be ~~closed off and shall not be publicly accessible~~ used by no more than 16 people for axe throwing only (as per verbal order from the building department on 12-13-19)
2. The kitchen cooking equipment (hot plates) shall not be utilized.
3. The doors in the path of means of egress shall be removed (5 doors total: top of SE stairs leading to escape chambers, 3 doors in the hallway near 1st floor restrooms, and large metal door in corridor of escape chamber rooms on lower level).
4. The obstructions in the path of egress to the SW exit door shall be removed.
5. The combined occupant load of the lower level and 1st floor shall at no time exceed 197 persons.
6. Plans and specifications shall be submitted to the Permit & Development Center (602 Robert D. Ray Drive, DSM, IA 50309) within 30 days (by 1-30-20) of this notice and an application for change of occupancy must be filed with that office.

Conditions under which cited work may resume:

1. Full occupancy of the building for the intended uses may only occur after all applicable permits have been acquired, inspections have been successfully completed, and a new certificate of occupancy has been issued.
2. Limited occupancy as described above (items 1-5 in the Specific Operations) may continue for the next 30 days. If item 6 has not been completed by 1-30-20, the entire building may be closed for public access until such plans are submitted.

If you have questions about this order or what is required for you to continue operations, please contact me via telephone at 515-283-4242 or via email at jklund@dmgov.org. If you have questions about the Permit & Development Center process, you may contact Building Official Cody Christensen at 515-283-4989 or cjchristensen@dmgov.org. Your prompt attention to this matter is greatly appreciated.

Sincerely,

Jonathan Lund, Fire Marshal
Des Moines Fire Department
Fire Prevention Section

CC: Cody Christensen [City of Des Moines Permit & Development Center]
Orlando Vivone [Inspector – Des Moines Fire Department]



602 Robert D. Ray Dr.
Des Moines, IA 50309-1868
515-283-4200
www.dmgov.org

NOTICE OF VIOLATION

Address of Violation: 338 SW 6th St

Location on Property 2nd level and basement of building Permit # _____

Person Served AKA holdings LLC Title: _____

Date of Inspection: 12/13/2019 Method of Service: Handed in Person Mail JEV

Date Served: 2/11/2020

An inspection of the above noted premises revealed violations of the City of Des Moines Municipal Code.

- Unlicensed Contractor (26-451; 26-551; 26-671) Work without a Permit (26-135)
- Expired Permit (26-159) Unsafe structure, sites or equipment (26-157)
- Other _____

Violations shall be corrected no later than:

- Immediately 7 days 14 days 30 days

Required Compliance Date: 2/18/2020

- STOP WORK IMMEDIATELY
- OBTAIN REQUIRED PERMITS
- CEASE OCCUPANCY IMMEDIATELY
- DISCONNECT UTILITIES
- CORRECT UNSAFE/ ILLEGAL CONDITION

Comments: _____
Built out 2nd level with bar, restrooms and seating areas. Have built out escape rooms in the basement area. Work was done with out permits or inspections.

Failure to correct the above noted violations within the prescribed time period will result in legal action and/or the suspension or revocation of any and all building permits and Certificates of Occupancy pursuant to Des Moines Municipal Code.

Inspector: Jeff Van Maanen

Telephone 515-237-1460

Office Hours: M-F 7:00AM- 8:30AM & 3:00-3:30 PM



**ZONING BOARD OF ADJUSTMENT
CITY OF DES MOINES, IOWA
DECISION AND ORDER**

This Decision and Order of the Board of Adjustment does not constitute approval of any construction. All necessary permits must be obtained before any construction is commenced upon the Property. A Certificate of Occupancy must be obtained before any structure is occupied or re-occupied after a change of use.

Any use allowed by this Decision and Order shall not be commenced or resumed until all the requirements imposed on such use by the Zoning Ordinance and this Order have been satisfied.

The use allowed by this Order must be commenced within **two years** or this Order will be void and of no further force and effect.

IN THE MATTER OF THE APPEAL FROM	:	DOCKET: ZON 2018-00149
AKA HOLDINGS, LLC	:	
ON PROPERTY LOCATED AT	:	PUBLIC HEARING: AUGUST 22, 2018
338 SOUTHWEST 6TH STREET	:	

SUBJECT OF THE APPEAL

Proposal: The Conditional Use Permit would allow for the sale of alcoholic liquor, wine, and beer throughout the entire 2-story building. The building contains a mix of existing and future recreational and tavern uses.

Appeal(s): Conditional Use Permit for a business selling alcoholic liquor, wine, and beer.
Required by City Code Section 134-954

FINDING

The appellant has satisfied the criteria necessary for granting the Conditional Use Permit so long as the sale and service of any alcohol is accessory to a business that operates primarily as recreational use, such as (but not limited to) an escape chamber, batting cages, axe throwing, and/or miniature golf. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing in the adjoining or surrounding residential area. If the Zoning Enforcement Officer determines at any time that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions set forth in the Conditional Use Permit, the Zoning Enforcement Officer may apply to the Zoning Board of Adjustment to reconsider the issuance of the Conditional Use Permit for such business.

AKA HOLDINGS, LLC
338 SOUTHWEST 6TH STREET
ZON 2018-00149

AUGUST 22, 2018

DECISION AND ORDER

WHEREFORE, IT IS ORDERED that the appeal of a Conditional Use Permit for a business selling alcoholic liquor, wine, and beer, to allow the sale of alcoholic liquor, wine, and beer throughout the entire 2-story building, is **granted** subject to the following conditions:

1. Any business that sells or serves alcoholic liquor, wine, and/or beer shall primarily operate as a business that involves recreational use(s), such as (but not limited to) an escape chamber, batting cages, axe throwing, and/or miniature golf.
2. There shall be no exterior or lighted interior signage for, or references to, alcoholic liquor, wine or beer visible from outside of the enclosed building.
3. Any business selling alcoholic liquor, wine, and/or beer shall operate in accordance with the necessary permits obtained through the Office of the City Clerk as approved by the City Council.
4. Any business shall comply with Article IV of Chapter 42 of the City Code pertaining to noise control.
5. The business shall conspicuously post 24-hour contact information for a manager or owner of the business near the main public entrance.
6. The business shall institute a strict no loitering policy, conspicuously post one or more "No Loitering" signs, and cooperate with police in addressing any loitering on the premises.
7. Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of the business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.
8. Any renovation on the site shall be in compliance with all applicable building and fire codes, with issuance of all necessary permits by the Permit and Development Center
9. If the Zoning Enforcement Officer determines at any time that the operation of such a business becomes a nuisance, exhibits a pattern of violating the conditions set forth in the Conditional Use Permit, or violates the requirements of City Code Section 134-954(c), the Zoning Enforcement Officer may apply to the Board to reconsider the issuance of the Conditional Use Permit.

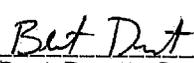
VOTE

The foregoing Decision and Order was adopted by a vote of 6-0, with all Board members present voting in favor thereof.

Signed, entered into record, and filed with the City of Des Moines Community Development Department serving as the office of the Board, on August 28, 2018.



 Mel Pips, Chair



 Bert Drost, Secretary