

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2016-168.1

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, UNDER ITS REGULATORY AUTHORITY, ORDERING STARBUCKS CORPORATION TO CEASE STACKING IN THE PUBLIC RIGHT-OF-WAY, AT THE STARBUCKS LOCATED AT 475 SOUTH DIXIE HIGHWAY, AND DIRECTING STAFF TO ORDER THAT THE DRIVETHROUGH WINDOW BE SHUT DOWN IF STACKING OCCURS.

WHEREAS, on July 13th, 2016, after receiving a prior Code Enforcement Warning, the Starbucks store located at 475 South Dixie Highway was issued a Code Enforcement citation for violating the City's Zoning Code; and

WHEREAS, the citation issued to Starbucks was for vehicle stacking onto the right-of-way, as prohibited in Section 5-115(A) of the City's Zoning Code; and

WHEREAS, the City of Coral Gables owns the parking lot used by Starbucks and leases the same to the corporation; and

WHEREAS, aside from its proprietary authority, the City possesses regulatory authority to protect public safety; and

WHEREAS, when stacking occurs at the Starbucks parking lot it creates a public safety issue, as parked cars are unable to exit the parking lot and those vehicles that stack onto US-1 effectively block that lane of traffic; and

WHEREAS, Starbucks has implemented a plan to prevent stacking from occurring; and

WHEREAS, the City of Coral Gables Commission wishes to allow Starbucks the opportunity to implement its plan, while reiterating its regulatory authority to close the drive through window if stacking continues to occur;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

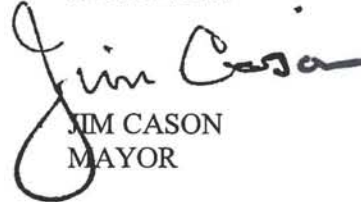
SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That the City Commission, under its regulatory authority, orders Starbucks to cease stacking in the public right-of-way at the store located at 475 South Dixie Highway and directs staff to order that the drive through window be shut-down if stacking occurs.

SECTION 3. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SIXTH DAY OF JULY, A.D., 2016.
(Moved: Keon / Seconded: Leon)
(Unanimous Consent Vote)
(Agenda Item: I-2)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY