

City of North Miami asks for speedy hearing in case against North Miami Cleaners

City records document laundry list of violations at facility

By Christina Vazquez - Reporter

NORTH MIAMI, Fla. - The city of North Miami has asked for a speedy hearing after numerous complaints by residents living near North Miami Cleaners, which also operates as Spotmaster Linens "R" Us.

The residents recently "Called Christina" to complain about fumes and the incessant loud hum of machinery.

"A constant turbine sound, a constant hum," Robert Husted said. "The frustration gets really high."

"Seven days a week," resident Dr. Hector Medina said. "We don't have no peace."

In court filings, the city has stated that the company is operating outside the parameters of the zoning code.

Both parties were in court Tuesday in front of Judge Rose Rodriguez for a 5-minute motion calendar hearing.

It was a quick hearing, but it provided an opportunity to speak with John Charles Lukacs, the attorney representing the company who had yet to respond to previous requests for comment.

When approached, he simply stated he was not going to comment on pending litigation.

If you recall, Gwen Meckler, the woman state records show owns North Miami Cleaners, also didn't have much to say.

When Local 10 News investigative reporter Christina Vazquez worked to share both the residents' concerns and provide the company's owner a chance to respond, Meckler slammed shut the door of her Porsche and drove away.

This is not the kind of drycleaner where you take your slacks in for a cleaning. According to the city, for years it has been operating without authorization on an industrial scale for off-site commercial clients.

City Councilman Scott Galvin stated, "Spotmaster should be applauded for having grown a great business, but they have potentially outgrown their location and that is where the conflict has come into play."

Described in a recent filing as a "nuisance," Matthew Mandel, an attorney representing the city of North Miami, argues that the operation has a "detrimental effect" on the "health, safety and welfare of city residents."

The city is asking for a speedy trial.

A search of city records revealed that as far back as 2010, the city issued a "zone prohibited use." The notation in the city's log reads, "Operation of a dry cleaning plant in a C-3 zoning district is prohibited. Immediately cease such operation."

The city continues to receive complaints six years later from people living near the operation about the level of noise "generated by on-side operation of industrial cleaning machinery and by travel to and from the facility of large delivery trucks, regarding fumes and odors emanating from the facility, traffic concerns regarding the



People living near North Miami dry cleaner 'Call Christina' to complain...

large trucks and the disruptive operation of the facility (with attendant deliveries) throughout the night," wrote Matthew H. Mandel, an attorney representing the city of North Miami in a recent filing.

The company has been looking to dismiss the city's amended complaint. They argue the city has failed to exhaust an administrative process.

John C. Lukacs, Sr., the attorney representing North Miami Cleaners, Inc. wrote in his Motion to Dismiss Amended Complaint for Declaratory and Injunctive Relief, "The city cannot now interrupt the administrative process it chose to invoke. The city's election to proceed with an administrative process and remedies which it has failed to exhaust, is fatal to its ability to seek declaratory and injunction relief in this action."

On Tuesday, Lukacs told Judge Rodriguez, "What we have before us is a double team" in reference to "this legal action" and at the same time "invoking an administrative procedure."

Mandel said they are not "parallel actions, they are not similar actions." He told Rodriguez that fighting a code enforcement fine is a separate matter than the city's request for injunctive relief.

The judge said it made sense to set a special date to hear these issues given the limited time of the 5-minute motion hearing.

Sitting in the courtroom was North Miami resident Hector Medina who said he believes the city will prevail because, "We are in the right. They are in the wrong."

HISTORY OF THE PROPERTY:

Councilman Scott Galvin said the location for the drycleaner is a former Arby's restaurant.

In 2008, City Council approved an amended special exception permit which allowed the business to operate as a "dry cleaning establishment."

"At first they were a regular mom and pop drycleaner," Galvin said. "Over the years they have expanded their business."

In the city's recently filed suit against the company, it is stated that in 2009 "the cleaners applied for a rezoning of the property from its commercial designation (then C-2A) to an industrial designation. An M-1 industrial zoning designation allows a 'dry cleaning plant' as a permitted use. The Code defines 'a dry cleaning plant' to mean: 'a facility in business to provide dry cleaning services, on a large scale, for offsite customers. A dry cleaning plant is an industrial operation, is not open to serve the general public, and is regulated by environmental laws that require the safe disposal of contaminated solvents and wash water used in the cleaning process.'"

The company's application for rezoning was denied the suit says, "and the cleaners abandoned the application."

But neighbors said it doesn't appear the company took no for an answer.

The city claims in its suit that "in recent years, the cleaners has operated as a 'dry cleaning plant,' an industrial facility performing large scale linen laundry and dry-cleaning on the premises for off-sit commercial and institutional customers. Such use is beyond the scope of the dry cleaning establishment approved by special exception for this C-3 zoned property."

In a zoning violation letter sent to Gwen Meckler in 2014, Nixon Lebrun, a zoning administrator, writes, "The many documented nuisance complaints brought forth by these residents attest to the fact that their health and general welfare have been adversely affected by the operation of your facility and that the necessary safeguards were not provided..."

Meetings followed between the city and the drycleaners, "but no resolution was reached and complaints by residents continued. As a result, the city issued various civil citations to the cleaners directed to protecting the health, safety and welfare of the residents from the nuisance and hazard caused by the cleaners' industrial scale operations, as well as for work performed on the premises without valid permits."

"Residents would love to see us march right on in and turn off the lights and lock the doors," Galvin said. "But we don't have the authority until a judge rules one way or another."