

1 Introduced by the Council President pursuant to Chapter 380, *Ordinance*
2 *Code*:

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5 **ORDINANCE 2023-797**

6 AN ORDINANCE MAKING CERTAIN FINDINGS; APPROVING
7 THE APPLICATION OF GASTON TREE DEBRIS RECYCLING,
8 L.L.C. FOR RENEWAL OF ITS CERTIFICATE OF PUBLIC
9 CONVENIENCE AND NECESSITY (CON) TO OPERATE A
10 YARD TRASH RECYCLING FACILITY ("FACILITY") WITH
11 A MODIFICATION TO ALLOW FOR THE EXPANSION OF THE
12 FACILITY ONTO AN ADJACENT PARCEL; PROVIDING FOR
13 CONDITIONS OF SAID RENEWAL; PROVIDING AN
14 EFFECTIVE DATE.

15
16 **WHEREAS**, pursuant to Chapter 380, *Ordinance Code*, Gaston Tree
17 Debris Recycling, L.L.C. (the "Applicant") has applied for renewal
18 of its Certificate of Public Convenience and Necessity (CON) for the
19 continued operation of a yard trash recycling facility (the
20 "Facility") located at 7405 Philips Highway, Jacksonville, Florida
21 32256, R.E. Parcel No. 152581-0000 (the "Property") with a
22 modification to allow for the expansion of the Facility onto a parcel
23 adjacent to the Property and located at 0 Cypress Plaza Drive, R.E.
24 Parcel No. 152578-1030; and

25 **WHEREAS**, the initial CON authorizing operation of a yard trash
26 recycling facility at the Property was granted by Ordinance 2012-293-
27 E; and

28 **WHEREAS**, based upon the determination of need for the Facility
29 by the City Council, the Solid Waste Division of the Department of
30 Public Works supports approval of the application for renewal and
31 modification of the Certificate of Public Convenience and Necessity

1 for Gaston Tree Debris Recycling, L.L.C., provided the Applicant
2 agrees to accept and comply with the Specific Operating Conditions
3 contained in **Exhibit 1**, attached hereto and incorporated herein by
4 this reference; and

5 **WHEREAS**, the City Council has caused a public hearing, properly
6 noticed, to be held before the Council Committee to which matters
7 regarding public utilities are referred, as required by Chapter 380,
8 *Ordinance Code*, and has made certain findings with respect to said
9 application; now therefore

10 **BE IT ORDAINED** by the Council of the City of Jacksonville:

11 **Section 1. Making Findings.** Based upon the criteria set
12 forth in Section 380.105, *Ordinance Code*, and the comments and
13 recommendations of the Director of the Planning and Development
14 Department, the Chief of the Solid Waste Division, the Chief of the
15 Environmental Quality Division, and the Florida Department of Health
16 in Duval County, the Council finds that the Facility would serve the
17 public convenience and provide a needed service to the citizens of
18 Duval County.

19 **Section 2. Renewal and Modification of Certificate of**
20 **Public Convenience and Necessity (CON) Granted.** In accordance
21 with Chapter 380, *Ordinance Code*, the City of Jacksonville hereby
22 grants renewal and modification of the Certificate of Public
23 Convenience and Necessity (CON) to Gaston Tree Debris Recycling,
24 L.L.C. for the continued operation of a yard trash recycling facility
25 and the expansion of such facility onto the adjacent parcel located
26 at 0 Cypress Plaza Drive, R.E. Parcel No. 152578-1030.

27 **Section 3. Conditions.** The Certificate of Public
28 Convenience and Necessity shall be subject to the conditions set
29 forth in the "Gaston Tree Debris Recycling, LLC Yard Trash Recycling
30 Facility Certificate of Public Convenience and Necessity Specific
31 Operating Conditions" attached hereto as **Exhibit 1**. The comments and

1 recommendations of the appropriate representatives from the Public
2 Works Department, the Planning and Development Department, the
3 Neighborhoods Department Environmental Quality Division, and the
4 Florida Department of Health are attached hereto as **Exhibit 2** and
5 incorporated herein by this reference. A copy of the CON Monthly
6 Waste Analysis Report form is attached hereto as **Exhibit 3**.

7 **Section 4. Effective Date.** This Ordinance shall
8 become effective upon signature by the Mayor or upon becoming
9 effective without the Mayor's signature.

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Form Approved:

/s/ Joelle J. Dillard

Office of General Counsel

Legislation prepared by: Joelle J. Dillard

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