



City of Jacksonville, Florida

Donna Deegan, Mayor

Department of Public Works
214 N. Hogan Street, 10th Floor
Jacksonville, FL 32202
(904) 255-8786
www.coj.net

ONE CITY. ONE JACKSONVILLE.

October 4, 2023

The Honorable Ronald B. Salem
City Council President
and Members of the City Council
117 West Duval Street, Suite 425
Jacksonville, Florida 32202

RE: Renewal/Modification Application for Certificate of Public Convenience and Necessity
Gaston Tree Debris Recycling, LLC
Yard Trash Recycling Facility
7405 Philips Highway
Jacksonville, Florida 32256

Dear Council President Salem and City Council Members:

In accordance with the provisions of Section 380.105 (d) of the City of Jacksonville Ordinance Code, the Public Works Department hereby provides its comments and recommendations regarding the above-referenced renewal/modification application as follows:

Section 380.105 (d) (1) – Quantity of solid waste in the City requiring management or disposal:

The quantity of yard trash generated in Duval County is estimated at 271,395 tons per year.

Section 380.105 (d) (2) – Capacity of the existing facilities and the capacity of the proposed operation:

The Gaston Tree Debris Recycling, LLC facility proposes to accept up to 1,200 tons of yard trash per day. Listed below are the facilities that hold a Certificate of Public Convenience and Necessity within Duval County to recycle and/or landfill yard trash:

Facility Capacity	Operation
Coastal Recycling Services, LLC 1,000 tons per day	C&DD Recycling Facility (including yard trash)
Whitehouse Recycling 2,000 tons per day	C&DD Recycling Facility (including yard trash)
Jones Road C&DD Disposal Facility 3,000 tons per day	C&DD Disposal/Recycling Facility (including yard trash)
Old Kings Road C&DD Disposal Facility 3,000 tons per day	C&DD Disposal/Recycling Facility (including yard trash)
Otis Road Landfill, LLC 2,000 tons per day	Class III Landfill/Recycling Facility
Outdoor Depot, Inc. 1,000 tons of clean debris per day 275 tons of yard trash per day	Clean Debris & Yard Trash Recycling Facility
Realco Recycling Co., Inc. 1,400 tons per day (1,000 of which is reserved for clean debris)	C&DD Recycling Facility
Trail Ridge Landfill 5,000 tons per day	Class I Landfill
United Brothers, Inc. 250 tons per day	Clean Debris Recycling Facility
Gaston Tree Debris Recycling, LLC 800 tons per day	Yard Trash Recycling Facility
Greenland Biomass 2,000 tons per day	Yard Trash Recycling Facility
Mulch Manufacturing, Inc. 1,360 tons per day	Yard Trash Recycling Facility
Shaw's Land Clearing, LLC 675 tons per day	Yard Trash Recycling Facility
Sunshine Organics & Compost, LLC 200 tons per day	Composting & Yard Trash Recycling Facility

Section 380.105 (d) (3) – Availability of alternate methods of management or disposal:

Alternate methods of disposal and/or processing are available within the county for these waste streams. Yard trash and clean wood is typically disposed or processed in one of the following manners: landfilled, processed into mulch for landscaping purposes or size reduced for use as boiler fuel or landfill cover material.

Section 380.105 (d) (4) – Potential sites best suited to serve the City:

The Gaston Tree Debris Recycling, LLC facility is located south of Butler Boulevard on Philips Highway in the southern part of the City. The location of this Facility is well suited to serve the southern portions of the City of Jacksonville.

Section 380.105 (d) (5) – Availability of regional facilities that are operating, or are projected within five years to be constructed and operating, that do or will accept the type and quantity of waste to be disposed or managed by the proposed facility:

The facilities that currently have a certificate to landfill or otherwise process these waste streams are listed in a previous section of this letter report. One other facility, owned by GEL Jacksonville, and located at 4031 North Liberty Street, has submitted an initial application to the Solid Waste Division for the processing of construction and demolition debris. No other facilities are known to be planned for Duval County at this time.

Section 380.105 (d) (6) – Whether the waste to be disposed or managed is generated within Duval County:

Based upon the type of waste received by the facility and the location of the facility operations, the majority of the waste delivered to this facility is expected to be generated in central and southeastern portions of Duval County.

Section 380.105 (d) (7) – The current rate of waste generation and the projected generation rate in Duval County over the next five years:

The average rate of waste generated in Duval County for the yard trash waste stream over the past 5 years has been estimated at 275,000 tons per year. As listed in an earlier section of this report, it is estimated that 271,395 tons of this waste stream is currently generated annually in Duval County.

The projected generation rate of this waste stream over the next five years is anticipated to remain steady but may change depending on economic conditions or natural disasters in the area over this time period.

Section 380.112 (a)

Attached are agency responses from the Solid Waste Division, the Environmental Quality Division, the Planning and Development Department and the Florida Department of Health in Duval County. All reviewing agencies have recommended that the renewal application be approved.

Section 380.112 (d)

This site has not had any payable citations related to its CON and is in compliance.

Section 380.112 (f)

Based on an on-line review of the Duval County Tax Collector's website, the applicant has no outstanding taxes or liens due to the City of Jacksonville.

Section 380.112 (c)

In accordance with the provisions of Section 380.112 (c) of the City of Jacksonville Ordinance Code, the above-referenced facility is proposing to modify their current CON, which is identified by City of Jacksonville Ordinance number 2012-293-E-R1. The requested modifications are to expand the CON operation to include an adjacent parcel of property and to increase the facility's authorized capacity. Section 380.111 does not allow for the expansion of a CON operation onto additional parcels or modifications to a facility's authorized capacities to be accomplished administratively; therefore, this modification will require Council approval.

The applicant is proposing to expand their current operation, which includes real estate number 152581-0000 (current CON), to also include real estate number 152578-1030 (proposed expansion). Both parcels are zoned Industrial Light with the required Zoning Exception in effect.

The applicant is also proposing to increase the facility's authorized capacity from 800 tons of materials per operating day to 1,200 tons of material per operating day. Below is the facility's current CON language along with the proposed modification language.

The facility's current authorized materials and capacity language (Specific Condition 3):

The Gaston Tree Debris Recycling, LLC Yard Trash Processing Facility is only authorized to accept and process yard trash and clean wood as defined in City of Jacksonville Ordinance Code, Chapter 380, Part 1. The Facility may accept up to a total of 800 tons of materials per operating day based on six days a week and up to 311 working days per year. The amount of material accepted at the facility shall be delivered, stored and processed in a manner consistent with the site's zoning exception and the engineering plan submitted as part of their application.

The facility's proposed authorized materials and capacity language (Specific Condition 3):

The Gaston Tree Debris Recycling, LLC Yard Trash Recycling Facility is only authorized to accept and process yard trash and clean wood as defined in City of Jacksonville Ordinance Code, Chapter 380, Part 1. The Facility may accept up to a total of 1,200 tons of materials per operating day based on six days a week and up to 311 working days per year. The amount of material accepted at the facility shall be delivered, stored and processed in a manner consistent with the site's zoning exception and the engineering plan submitted as part of their application.

The requested modification is not contrary to any local, state or federal regulation applicable to the facility, including the facility's current zoning exception. The Solid Waste Division has also incorporated the following into the Specific Conditions: language for permit consistency, current regulatory reference updates and any Environmental Quality Division suggested inclusions. No other changes have been made to the Specific Conditions and they are provided as Exhibit I.

Section 380.105 (d)(8) – Other considerations:

Transmitted herewith are agency responses from the Solid Waste Division, the Environmental Quality Division, the Planning and Development Department and the Florida Department of Health in Duval County, which have been incorporated into the conditions, listed in Exhibit I attached hereto.

Based upon the determination of need for this facility and the approval of the requested modification by the City Council, the Public Works Department supports the issuance of the renewal/modification of the Certificate of Public Convenience and Necessity for the Gaston Tree Debris Recycling, LLC – Yard Trash Recycling Facility under the conditions specified in Exhibit I. The enacted resolution shall serve as the certificate and the resolution number shall serve as the certificate number. The effective date of this certificate renewal/modification shall be the date the resolution is signed by the Mayor or it becomes effective without his/her signature. This certificate shall be valid for a period of five years from the effective date. Should the applicant desire to renew the certificate, a renewal application shall be submitted to the City of Jacksonville's Solid Waste Division no later than six (6) months prior to the certificate expiration date.

If there are any questions regarding this matter, please contact me at your convenience.

Sincerely,



Nina C. Sickler, P.E.
Acting Director of Public Works Department

Attachments

cc: Steven D. Long, Jr., P.E., Public Works Department
Will Williams, M.B.A., Solid Waste Division
Eric B. Fuller, Engineering and Construction Management Division
Cletus Kuhn, Solid Waste Division

Attachment A

Review Letters from:

Florida Department of Health in Duval County
Planning and Development Department
Environmental Quality Division
Solid Waste Division

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Joseph A. Ladapo, MD, PhD
State Surgeon General

Vision: To be the Healthiest State in the Nation

July 20, 2023

Mr. Cletus Kuhn
Solid Waste Specialist
Department of Public Works
1031 Superior Street
Jacksonville, FL 32254

**RE: Gaston TDR Yard Trash Recycling Facility
7405 Philips Highway
Jacksonville, FL 32256
Modification/Renewal Application for Certificate of Public Convenience and Necessity
(CON)**

Dear Mr. Kuhn:

In accordance with Chapter 380.105, City Ordinance Code, the Florida Department of Health in Duval County, Environmental Health and Safety Division, hereby forwards its comments regarding the above referenced application.

According to the above-mentioned CON application for **7405 Philips Highway, Jacksonville, FL 32256**, the facility utilizes JEA water and an onsite sewage treatment and disposal system permitted by FDOH, annual operating permit number 16-QJ-991384, for use by employees and authorized visitors.

Based on the above information, the Florida Department of Health in Duval County offers no objection to this Application for Certificate of Public Convenience and Necessity.

If you have any questions concerning this letter, please contact me at (904) 253-2550.

Sincerely,

John Cordy
Environmental Manager



ONE CITY. ONE
JACKSONVILLE.

City of Jacksonville, Florida

Lenny Curry, Mayor

Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

MEMORANDUM

TO: Eric B. Fuller, Environmental Programs Manager
Public Works Department, Solid Waste Division

FROM: William B. Killingsworth, Director 
Planning and Development Department

RE: Application for Renewal of Certificate of Public Convenience and Necessity (CON)
Gaston Tree Debris Recycling, LLC
7405 Philips Highway
Jacksonville, FL 32256

DATE: June 6, 2022

In accordance with the provisions of Section 380.105, Ordinance Code, the Planning and Development Department hereby forward its comments and recommendations regarding the above referenced application:

(1) Compliance with the Zoning Code.

The 13.63 acre subject property is located at 7405 Philips Highway and is currently zoned Industrial Light. The applicant is seeking renewal of an existing Certificate of Necessity (CON) for a yard waste processing facility on approximately 13.63 acres. The proposed use is allowed in the IL Zoning District as a permissible use by exception, according to Section 656.322 (c) (7) of the Zoning Code. An application for zoning exception, (E-11-70) was approved with conditions by the Planning Commission on January 12, 2012 with the conditions as identified below. If the Facility is operated in compliance with these conditions, then the proposed use is in compliance with City's Zoning Code.

- A. A 10 foot wide natural vegetation buffer shall be maintained around the entire perimeter of the property.
CONDITION IS NOT SATISFIED. Aerial images from 2017-2021 indicate that since the last CON renewal, the uses which require the zoning exception for operation have extended beyond the permitted location to the property to the east (RE# 152578 1030) which was once wooded and undisturbed and has since been cleared.
- B. The hours of operation shall be limited to between 7:00 a.m. to 7:00 p.m. Monday through Saturday.
CONDITION IS SATISFIED

C. There shall be no stacking of any items higher than 30 feet in height on the subject property. **CONDITION IS SATISFIED**

(2) The impact of the proposed facility on surrounding and nearby land uses including those impacts caused by the anticipated traffic patterns associated therewith.

The subject property is located off Philips Highway within a developed industrial area and surrounded by offices and industrial uses to the south and west with vacant land to the east. A Planned Unit Develop (PUD) to the north is currently under construction with industrial and warehouse uses permitted. Adjacent uses include outside storage, warehousing, manufacturing, offices, and vacant land. It is the opinion of the Planning and Development Department that the continued utilization of the site as a yard waste processing facility is generally consistent with the adjacent uses.

(3) The consistency of the proposed facility with any duly adopted Comprehensive Plan and all land use regulations related thereto.

The subject property is located in the Light Industrial (LI) land use category. A facility located in this functional land use category is consistent with the Future Land Use Element (FLUE) of the City's 2030 Comprehensive Plan. This property is also located within the Industrial Sanctuary, Situational Compatibility Zone, enacted per Ordinance 2007-398-E.

(4) Whether the entity submitting an application is currently a registered business in the City and has a current Certificate of Use for the proposed facility operations.

According to the City of Jacksonville Zoning Administrator, the certificate of use on record for the facility is under a previous owner/operator. No COU for the current owner/operator is on file for the location. Per 656.151(a) "Notwithstanding any ordinance to the contrary, and notwithstanding any prior legal status of any multi-family residence and business, any new multi-family residence or business or any changes in; use, name, ownership, expansion of square footage occupied, or the inclusion of additional uses after May 29, 2006, will require a certificate of use"

(5) Such considerations as he/she deems relevant.

The Planning and Development Director and the Current Planning Division Chief have identified no additional concerns.

Based on the proceeding, it is the recommendation of the Planning and Development Department that of the application for renewal of the "Certificate of Public Convenience and Necessity" for Gaston Tree Debris Recycling, LLC, 7405 Philips Highway, be **APPROVED pending the acquisition of a Certificate of Use under the current owner/operator name and an approved zoning exception for the extension of the use to RE# 152578 1030.**

If there are any questions regarding this matter, please contact me at your convenience.

18106.0
Certificate of Use ID#

152581-0000
Real Estate #

**CERTIFICATE OF USE
Jacksonville, Florida**

This document certifies that GASTON TREE DEBRIS RECYCLING, LLC, located

At 7405 PHILIPS HIGHWAY, 1, is registered as a
Street Address Unit #

YARD TRASH RECYCLING
Type of Business/Use

This Certificate of Use confirms that the subject business/use is in compliance with

The City's Zoning Code, Building Code, and Fire Code, Pursuant to

Ordinance 2005-1355-E

APRIL 26, 2023
Date


Authorized Signature

BEFORE THE PLANNING COMMISSION
OF THE CITY OF JACKSONVILLE

APPLICATION NO: E-22-83

IN RE: the Zoning Exception Application of

GASTON TREE DEBRIS RECYCLING, LLC

ORDER APPROVING APPLICATION FOR ZONING EXCEPTION E-22-83

This matter came to be heard upon the Application for Zoning Exception filed by WRR of Duval County, LLC, the owner of certain real property located at 0 Cypress Plaza Drive, RE #152578-1030, on behalf of Gaston Tree Debris Recycling, LLC, seeking to allow a wood recycling facility, in the IL Zoning District.

Having duly considered both the testimonial and documentary evidence presented at the public hearing on February 9, 2023, including the Report of the Planning and Development Department on Application for Zoning Exception E-22-83 and all attachments thereto ("Staff Report"), a copy of which is attached hereto as **Exhibit "A"**, the Planning Commission of the City of Jacksonville hereby adopts and incorporates herein the recommendations of the Staff Report, and,

FINDS AND DETERMINES:

1. That the applicant has complied with all application requirements set forth in Section 656.131 of the Zoning Code;
2. That substantial competent evidence demonstrates that application E-22-83 meets, to the extent applicable, the standards and criteria set forth in Section 656.131(c) of the Zoning Code; and
3. That the land which is subject of this exception application E-22-83 is owned by WRR of Duval County, LLC. A copy of the legal description of the subject property is attached as part of **Exhibit "A"** and incorporated herein by reference.

NOW THEREFORE, it is **ORDERED** by the Planning Commission:

1. Application E-22-83 is hereby **APPROVED** and a zoning exception is hereby granted to Gaston Tree Debris Recycling, LLC, allowing a wood recycling facility, on the subject property.
2. Failure to exercise the exception herein granted by commencement of the use or performance of the action herein approved within one (1) year of the effective date of this Order shall render this exception invalid and all rights arising shall terminate.

3. The Exception granted herein shall **not** be construed as an exemption from any other applicable local, state or federal laws, regulations, requirements, permits or approvals. All other applicable local, state or federal permits or approvals shall be obtained before commencement of the development or use and issuance of this Exception is based upon acknowledgement, representation and confirmation made by the applicant(s), owner(s), developer(s) and/or any authorized agent(s) or designee(s) that the subject business, development and/or use will be operated in strict compliance with all laws. Issuance of this Exception does **not** approve, promote or condone any practice or act that is prohibited or restricted by any federal, state or local laws.


4. The approval granted herein shall not interfere with or abrogate or annul any easement, covenant or other agreement between any parties. In the event that the provisions of this Order impose a greater restriction upon the use, structures or development of the property than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Order shall control.

Executed this 9th day of February, 2023.



Alex Moldovan
Chairman, Planning Commission

FORM APPROVED:



Susan C. Grandin
Assistant General Counsel



Jason Porter
Secretary, Planning Commission

Copies to:

Gaston Tree Debris Recycling, LLC
Killian Eckert
4190 NW 93rd Avenue
Gainesville, FL 32653
Applicant/Agent

WRR of Duval County, LLC
4190 NW 93rd Avenue
Gainesville, FL 32653
Owner



City of Jacksonville, Florida

Donna Deegan, Mayor

Environmental Quality Division
214 N. Hogan St., 5th Floor
Jacksonville, FL 32202
(904) 255-7100
www.coj.net

September 14, 2023

MEMORANDUM

TO: Steven Long, P.E., Acting Operations Director
Department of Public Works

FROM: Melissa M. Long, P.E., Chief *p.p. Terry Carr*
Environmental Quality Division

SUBJECT: Application for Major Modification of Certificate of Public Convenience and Necessity
Gaston Tree Debris Recycling, LLC
7405 Philips Highway (RE# 152581-0000) and "0" Cypress Plaza Drive (RE# 152578-1030)

The Environmental Quality Division (EQD) has reviewed the application for a major modification of a certificate of public convenience and necessity, received on May 16, 2022, and all additional information received, for the Gaston Tree Debris Recycling, LLC Facility (located at 7405 Philips Highway). The EQD review was conducted in accordance with the requirements of 380.105(a) and (e), City of Jacksonville Ordinance Code.

EQD has determined that the applicant has provided all information needed to complete its review, and the application provides reasonable assurance that the proposed project will comply with the state and local environmental regulations that are under its jurisdiction.

EQD staff is reviewing the draft certificate conditions provided by Solid Waste Division.

If you need additional information, please contact Charles Hubsch of EQD, at telephone number (904) 255-7217.



City of Jacksonville, Florida

Donna Deegan, Mayor

Department of Public Works
Solid Waste Division
1031 Superior Street
Jacksonville, FL 32254
(904) 255-7500
www.coj.net

ONE CITY. ONE JACKSONVILLE.

TO: Steven D. Long, Jr., P.E., Director
Department of Public Works

FROM: Michael Pinckney, Chief
Solid Waste Division




Cletus Kuhn, Solid Waste Environmental Specialist
Solid Waste Division

DATE: July 25, 2023

SUBJECT: Certificate of Public Convenience and Necessity Modification/Renewal Application
Gaston TDR – Yard Trash Recycling Facility
7405 Philips Highway
Jacksonville, Florida 32256

The Gaston TDR facility is located south of Butler Boulevard on Philips Highway in the southern portion of the City. The facility lies within an area with business park/industrial type uses and is currently zoned Industrial Light with the required Zoning Exceptions in effect. Gaston Tree Debris Recycling, LLC is proposing to expand their current operation, which includes real estate number 152581-0000 (current CON), to also include real estate number 152578-1030 (proposed expansion). They are proposing to continue to accept and process yard trash and clean wood at the Gaston TDR facility.

In accordance with Chapter 380.105(b), City of Jacksonville Ordinance Code, the Solid Waste Division hereby forwards its comments and recommendations regarding the above referenced application:

- (1) Whether the proposed method of operation will comply with the requirements of this Part and with the Florida Statutes and Florida Administrative Code.*

The Gaston TDR facility operation as described in the modification/renewal application for a Certificate of Public Convenience and Necessity, as submitted by Mechling Engineering & Consulting, Inc., will comply with current local, state and federal rules and regulations in regards to solid waste handling, storing, processing and disposal.

(2) Whether any hazard or menace to the public health would be created by the proposed use of the land involved or by the proposed method of operation.

The Gaston TDR facility operation, when operated according to the approved operations plan submitted as part of the renewal application, will not create any hazard or menace to the public health.

(3) Whether the wastes to be disposed or managed are generated within Duval County.

Based upon the type of waste received by the facility and the location of the facility operations, the majority of the waste delivered to this facility is expected to be generated in Duval County.

(4) The rate at which the wastes to be disposed or managed are being generated in Duval County and the projected generation rate over the next five years.

The average rate of waste generated in Duval County for the yard trash waste stream over the past 5 years has been estimated at 275,000 tons. It is estimated that 271,395 tons of this waste stream is currently generated annually in Duval County.

The projected generation rates of this waste stream over the next five years is anticipated to remain steady but may change depending on economic conditions or natural disasters in the area over this time period.

(5) The reasonably available means to reduce or eliminate the wastes requiring disposal or management.

The Gaston TDR facility proposes to continue to accept yard trash and clean wood for processing and subsequent recycling. Yard trash is typically generated by yard maintenance and land clearing projects. There currently exist no reasonable available means to reduce or eliminate this waste stream apart from recycling it as proposed by the facility operation.

Based upon review of the above-listed solid waste related items, it is the recommendation of the Solid Waste Division that the modification/renewal application for a Certificate of Public Convenience and Necessity regarding the Gaston TDR Yard Trash Recycling Facility be **approved**.

cc: Eric B. Fuller, Public Works Department 