

**COMMISSION ORDER OF THE  
CITY OF PEMBROKE PINES, FLORIDA  
CITY COMMISSION**

COMMISSION ORDER NUMBER: 2023-01

DATE AND AGENDA June 7, 2023

BOARD ACTION: APPROVED

APPLICANT: HCA Florida University Hospital Pembroke Pines Free Standing Emergency Room ("FSER")

FILE NUMBERS: City Commission Item No. 14/No. 23-0369

PETITION FOR: Approval of the FSER Site Plan for development of a Free Standing Emergency Room within a planned zoning district, as recommended by the Planning and Zoning Board; for the property located South of Pines Boulevard and West of Palm Avenue (former City Hall Site):

LOCATION: 10100 Pines Boulevard

LEGAL DESCRIPTION: A parcel of land being a portion of Tract "A", Pembroke Pines City Hall Plat according to the plat thereof as recorded in plat book 136, page 23 of the public records of Broward County, Florida

FINDINGS OF FACT: The City Commission, pursuant to the provisions of Chapter 37 of the City's Code of Ordinances entitled Quasi-Judicial Proceedings and section 155.304 of the City's Land Development Code (Quasi-judicial Proceedings) after having heard and considered the following matters, hereby makes the following Findings of Fact:

1. Michael Stamm, Jr., Assistant City Manager and Director of the Planning and Economic Development Department, presented on behalf of the City. Mr. Stamm was sworn in. All documentary evidence and exhibits offered by Mr. Stamm were accepted by the City Commission and admitted into the public record. Petitioner requests approval for the FSER Site Plan to design and to construct a Free Standing Emergency Room, Site Plan Application (SP 2022-0012) (the "Application").
2. Section 155.303 outlines the decision-making authority of various entities within the City. Department staff's authority in terms of process for development applications is part of Section 155.303 (A)(2)(f)(g). The Department recommends action on applications, that are reviewed by the Planning and Zoning Board and or City Commission. The Department also establishes application submittal

City of Pembroke Pines  
Commission Order 2023-01  
Page 2 of 5

requirements and review procedures.

3. Staff has reviewed the proposed FSER development application based on Land Use, Zoning, Plat and Site plan standards.
4. The site plan application was heard by the City's Planning and Zoning Board on April 13, 2023 which voted unanimously to transmit the application with a favorable recommendation to the City Commission consistent with the Planning and Economic Development Department's recommendation.
5. The proposed FSER is located within the City Center development and the development is consistent with the uses allowed within the Pembroke Pines City Center Mixed-Use Development (MXD) Zoning District. Pursuant to section 155.301(A)(4)(C) of the City's Land Development Code, site plans located within a planned district as defined in 155.450-155.456 shall require review and action by the City Commission.
6. The Pembroke Pines City Center development consists of +/- 165 acres, eight (8) development blocks and contains multiple uses including commercial, medical, office, residential and retail which are encompassed with the Pembroke Pines City Center Mixed-Use Development (MXD) Zoning District Guidelines as well as the City's Land Development Code.
7. Ordinance 2003, adopted by City Commission on March 15, 2023 amended the Pembroke Pines City Center Mixed-Use Development (MXD) Zoning District Design Guidelines..
8. Changes to the MXD Design Guidelines included the creation of the Medical District within the City Center Mixed-Use Development (MXD) Zoning District Guidelines designation of the Medical District within Block 7 of the City Center project, specifically on the northern portion of the former City Hall site, and certain specific and identified permitted uses.
9. Section 10 of the Pembroke Pines City Center Mixed-Use Development (MXD) Zoning District, Medical District Guidelines, apply to Block 7. Those uses permitted in the City of Pembroke Pines B-3 (General Business) zoning district are permitted in the Medical District. Specifically general office, medical office, specialty medical use, stand alone emergency room, research and development, and support services and retail for these uses are lawfully permitted in the Medical District. Section 155.453 of the City's Land Development Code also further outlines the purposes and standards of the Mixed Use Development (MXD) zoning category.
10. The zoning change for the MXD was submitted on 05/05/2022, whereas the site plan was submitted on 09/22/2022. While the zoning text change was not adopted

City of Pembroke Pines  
Commission Order 2023-01  
Page 3 of 5

for the City Center MXD until March 15, 2023.

11. The City has a long standing policy of concurrent plan review for projects that require multiple development application types.
12. The FSER use is specifically listed within the Pembroke Pines City Center Mixed-Use Development (MXD) Zoning District Design Guidelines, therefore it was determined that a special exception is not required. The use charts within the City's Land Development Code do not require special exception for MXD zoning as they are planned districts with the uses clearly defined.
13. Dennis Mele, Esquire of the Greenspoon Marder LLP appeared on behalf of the Applicant and submitted documentary evidence and multiple exhibits, all of which were admitted into the record and accepted by the Mayor and City Commission. Mr. Mele was sworn in.
14. It was clarified for the record that the proposed FSER is not designed for overnight stays and the patients would be transported to separate hospital facilities for admission should additional care be required.  
  
Licensing for the FSER is not a function of the City, but is regulated by state agencies. .
15. Similar uses to the proposed FSER, that are operated by other entities, exist within the City and use similar naming conventions.
16. Todd A. Armbruster of Zaslav & Armbruster, P.A. appeared at the hearing opposing the Site Plan Application on behalf of Memorial Healthcare System on the public record. Counsel also submitted into evidence his letter of objection of June 5, 2023 as part of the record before the City Commission at the June 7, 2023 City Commission Meeting. All arguments of counsel were accepted into the record and made a part of the proceeding. Mr. Armbruster was sworn in.
17. At the June 7, 2023 City Commission meeting, there was public comment regarding the HCA Florida University Hospital Pembroke Pines FSER. All speakers were identified and their comments were admitted into the Public Records.
18. The names and addresses of all public speakers were identified and their statements were filed with the City Clerk as a part of the public record.
19. The following documents were submitted for the record
  - o Exh-A: Application Memorial FSED
  - o Exh-B: Kimley Horn Traffic Analysis
  - o Exh-C: Redacted Purchase and Sale Agreement

City of Pembroke Pines  
Commission Order 2023-01  
Page 4 of 5

- o Exh-D: Letter from Todd Armbruster of Zaslav & Armbruster P.A.

**CONCLUSION AND ORDER:**

After full and open public consideration and review of the City's records and arguments presented as reflected above in the FINDINGS OF FACT, the City Commission hereby GRANTS Petitioner's request for approval of the Site Plan described in paragraph 1 above.

**NOTICES:** All notices or other communications required by one party to another shall be given in writing by personal delivery or by regular U.S. mail or sent by telex, facsimile or similar method of electronic communication addressed to such other party or delivered to such other party as follows:

**CITY:** Charles F. Dodge, City Manager  
601 City Center Way  
Pembroke Pines, FL 33025  
Telephone No. (954) 431-4884  
Facsimile No. (954) 437-1149

**Copy To:** Samuel S. Goren, City Attorney  
Goren, Cherof, Doody & Ezrol, P.A.  
3099 East Commercial Blvd., Suite 200  
Fort Lauderdale, Florida 33308  
Telephone No. (954) 771-4500  
Facsimile No. (954) 771-4923

**PETITIONER:** HCA Florida University Hospital Pembroke Pines  
c/o Dennis D. Mele, Esquire  
Greenspoon Marder LLP  
200 East Broward Blvd., Suite 1800  
Fort Lauderdale, FL 33301  
Telephone No. 954-527-2409

Issuance of this development order by the City of Pembroke Pines does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Pembroke Pines for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All other applicable state or federal permits must be obtained before commencement of the development.

City of Pembroke Pines  
Commission Order 2023-01  
Page 5 of 5

DONE AND ORDERED on this 15<sup>th</sup> day of June, 2023, in Pembroke Pines, Florida.

CITY OF PEMBROKE PINES, FLORIDA

ATTEST:

BY:

  
MAYOR FRANK ORTIS

 6/15/2023  
MARLENE A. GRAHAM, CITY CLERK

APPROVED AS TO FORM:

 6/15/2023  
OFFICE OF THE CITY ATTORNEY