

**NOTICE OF SPECIAL CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, OCTOBER 13, 2014

4:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, October 13, 2014 at 4:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Workshop Session:
 - 3.1 City Council will enter into a Workshop to Discuss the City of Tomball Community Development Department Development Review Process Evaluation

4.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 9th day of October 2014 by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer
Doris Speer
City Secretary, TRMC

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Special City Council

Agenda Item

Meeting Date: October 13, 2014

Data Sheet

Topic:

City Council will enter into a Workshop to Discuss the City of Tomball Community Development Department Development Review Process Evaluation

Background:

Marsh Darcy Partners has completed the evaluation of the City's development review process and is ready to present the findings and recommendations.

The development review process is the process or methodology developers utilize to obtain approvals for plats, building plans, and building permits. Over the last several years, City staff has made substantial progress and improvements in the process. City staff has worked hard to make decisions based on the code requirements and sometimes potential alternatives that still reflect the intent of the adopted codes.

The primary goal of the review was to develop recommendations aimed at increasing plan and permit review and issuance efficiency, enhancing customer service interfaces and user-friendliness and positioning the department to adapt to anticipated increases in service demand levels.

We anticipate substantial growth based on what we are seeing happen in/around the City of Tomball—Baker Hughes Phase I project and the possibility of Phase II coming in the near future, Exxon Mobil development, the Grand Parkway, and SH249 along with additional local commercial, retail, and individual housing growth—and enhancements to our current process will support that growth.

Origination:

City Manager

Recommendation:

N/A

Funding:

Party(ies) responsible for placing this item on agenda:

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Marsh Darcy - Evaluation

**CITY OF TOMBALL, TEXAS
COMMUNITY DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW PROCESSES EVALUATION**

September 25, 2014

Prepared by:

Marsh Darcy Partners, Inc.

**8955 Katy Freeway Suite 215
Houston, Texas 77024**

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I. Introduction

Purpose

The City of Tomball retained Marsh Darcy Partners (MDP) to perform an evaluation of the City's development review process. The development review process is managed by the Community Development Department which consists of four divisions: Planning, Engineering, Building, and Code Enforcement. Additionally, the Fire Marshal is a key member of the development review process.

The primary goal of the review is to develop recommendations aimed at increasing plan and permit review and issuance efficiency, enhancing customer service interfaces and user-friendliness, and positioning the department to adapt to anticipated increases in service demand levels. MDP's scope included a review of current conditions, an evaluation of future service demands, and an analysis of opportunities for organizational changes and process improvements that can further enhance customer service and achieve efficiencies.

Guidance provided by the City directed MDP to approach the analysis from a balanced perspective. The evaluation was commissioned as a management tool to identify those processes that work well and those that need improvement. The intended use of this report is to provide recommendations that staff can implement in an empowered environment leading to a reduced level of complaints and better customer service.

Methodology

The development process review commenced in May 2014 with interviews and analysis continuing through July 2014. The primary data gathering method was a series of interviews utilizing structured questions with the following groups:

- City Council Members – to gain their perspective on major issues and their performance expectations for the department.
- Planning Commission Members & BOA Chair - to ascertain the perceptions of these boards that regularly interact with development issues and the department's employees.
- Departmental Customers – to obtain external perceptions on the performance of the department and specific examples of good or poor performance. This group consisted of design professionals, business owners, and contractors involved with projects within the City.
- Community Development Employees – to gain an understanding of existing processes and workloads and to ascertain internal perceptions about departmental functions.

In total, 39 individuals were interviewed. Other data was gathered from reviews of the zoning ordinance, subdivision code, permit application forms, and other documents and reports. Additionally, certain workload performance measures were selected for benchmarking against other cities in the Houston region. Comments and observations were compiled into a series of vision statements and desired outcomes. Finally, assessments of current operations were made and recommendations were developed to address the identified concerns in line with the vision and desired outcomes.

Report Format

The report begins with an analysis of the question: Why does Tomball have a difficult reputation? This is followed by proposed vision statements and desired outcomes as perceived by MDP based on observations and comments compiled during the evaluation. After these sections, documentation is provided of both positive and negative comments received during the interview process, as well as an analysis of selected benchmark comparisons to other cities in the region. The report concludes with a series of recommendations designed to respond to the aspects of the organization discovered to be in need of improvement within the context of the stated vision and desired outcomes.

Notes:

- When the collective views of a group (i.e. city Council) are expressed in this report, it is not intended to imply 100% agreement of all members in all cases, but merely the general consensus of the views of that group as perceived by MDP.
- The term “customer” is used to denote applicants, owners, architects, engineers, and contractors that interact with the Community Development Department. The term can also refer to the end user of a project, such as the home owner.

Acknowledgements

Marsh Darcy Partners wishes to thank the management team of City Manager George Shackelford, Assistant City Manager Rob Hauck, and Community Development Director Craig Meyers for their leadership and insight throughout this process

Thanks also to the members of the City Council, Planning & Zoning Commission, Board of Adjustments, and the development community who volunteered their time to be interviewed. All of the interviewed city staff members were open, cooperative, and offered many ideas and suggestions. Many of the recommendations in this report are a result of their contributions. MDP extends our thanks to all staff members for participating. Finally, thank you to Senior Administrative Assistant Brandy Harbolt and City Secretary Doris Speer for scheduling and coordinating all of the interviews.

MDP is grateful for this opportunity to be of service to the City of Tomball and we hope that this review and report is a valuable tool as you move forward.

II. Why Does Tomball Have a Difficult Reputation?

A key component of the analysis was to develop an answer to the question: Why does Tomball have a difficult reputation? In so doing, MDP attempted to discern if the reputation is valid, and to identify constituencies that may hold this opinion. This initial exercise is important because a problem must be concisely defined before the proper solutions can be matched to the corresponding issues.

During the analysis, six common themes, as answers to the question, were identified as outlined below. It should be noted that a wide diversity of opinions exist regarding the performance of the department. On any given topic, attitudes ranged from extremely favorable to extremely unfavorable.

The six documented themes represent MDP's view of the general consensus of attitudes expressed by customers, governing bodies, and employees. The first three themes appear to be situational symptoms that are simply a result of Tomball's location and standards that have been adopted; solutions to these issues will likely need to focus on communication and public relations. The final three symptoms appear to be internal process and attitude issues that are more readily addressed by management and organizational solutions.

1. Surrounding areas do not have zoning or inspections

- a. Contractors are accustomed to fewer rules and lax enforcement
- b. If a contractor is not aware of the differences, this would explain complaints about how tough it is to work in Tomball vs. the County
- c. If a contractor is aware of the differences, this would explain why they may charge more for work in Tomball
- d. Superintendents/laborers are not involved with the permitting process, so they may be surprised when inspectors require methods different than what is allowed in the County

2. Tomball has higher standards than surrounding areas

- a. Due to higher standards, development costs may be higher than surrounding areas
- b. Fire sprinkler requirements are more stringent than surrounding areas
- c. Some residents/businesses/developers simply would not like any regulations that affect their property or business

3. Lingering perception of no-growth attitudes

- a. Among certain persons, there is a persistent dissatisfaction with the process for how zoning was adopted
- b. Perception that the "Old Guard" was accustomed to doing what they wanted and are having trouble adapting to higher standards
- c. Perception that prior administrations established a tone that the City should not have to compromise or cooperate with developers

4. Planning Division is inconsistent and causes delays

- a. New comments on multiple reviews; too many cycles to get to approval
- b. Interpretation of regulations changes without notice
- c. Perception that personal preferences are interjected
- d. Perception that collaboration and problem-solving are not exhibited; gaining approvals is more difficult than it needs to be

5. Building inspections are inconsistent

- a. Inspectors require changes from approved plans

- b. Guidance and approvals between inspectors are inconsistent
- c. New items required after corrections have been made
- d. Perception that inspectors can be intimidating and arbitrary

6. Communication/Attitude

- a. Customers perceive an attitude of control/defensiveness vs. problem-solving
- b. Incomplete information provided or requirements change later in the process
- c. Internal and external communication could be improved
- d. Inadequate “can do” attitude

III. Vision Statements and Desired Outcomes

The following six vision statements and desired outcomes were synthesized by MDP based on the viewpoints of the governing bodies, city management, customers, and employees. There are certainly other worthwhile goals expressed by various individuals during the interview process, however, these six statements appear to capture the vast majority of the views that were shared and the highest priority items from the evaluation.

It should be noted that, to some degree and in certain situations, these desired outcomes are being met. However, a more pervasive and consistent enforcement of these ideas is needed to more fully realize the desired vision. Many of these topics relate ultimately to communication and attitudinal practices. Creating an atmosphere more conducive to each employee consistently meeting these expectations will be the subject of the recommendations presented later in this report.

1. Tomball’s higher standards are good for the community

- a. Increased quality is worth the effort
- b. Higher standards help to preserve the small town community atmosphere

2. Establish an atmosphere of collaboration and problem solving

- a. Treat applicants as customers and partners
- b. Use reasonable discretion in application of regulations to achieve “common sense” solutions for unique situations
- c. Collaborate to communicate alternatives and find solutions
- d. Provide clear, consistent, and reliable guidance; don’t make applicants guess
- e. Avoid practices that cause customers to have negative perceptions of staff’s motives

3. Reduce the time it takes to get a permit approved & project completed

- a. All comments should be communicated in one review cycle
- b. Do not add new comments or conditions on subsequent reviews and inspections
- c. A staff omission or mistake should not be cause for late or new review comments
- d. Focus on the big picture of quality; don’t agonize over minor details

4. Provide consistent communication

- a. Communicate all expectations up front; reduce surprises
- b. Reduce conflicting information and guidance as a project progresses from planning, to engineering, to permitting, and to inspections
- c. Eliminate interjection of personal preferences
- d. Avoid changes in requirements that cost time and money for the customer

5. Create/maintain an accessible environment

- a. The office should be an informal environment where walk-up customers are welcomed
- b. Phone calls and emails should be returned with urgency
- c. Treat customers as vital and valued members of a team

6. Reduce the number of complaints reaching the City Council level

- a. Higher standards are acceptable
- b. Be respectful and consistent in all situations
- c. Maintain high standards, but reduce rigidity in thinking and actions

IV. Customer Perspectives in Relation to Vision/Outcomes

A key step in evaluating the performance of the development review process is a comparison of the current customer perceptions of the operation in relation to their expectations and the City's desired outcomes. If the intent is to improve the customer experience, ascertaining the level of customer satisfaction is a critical factor to understand before embarking on potential solutions.

Customer responses from the interviews are summarized below based on those aspects that are meeting expectations and those for which customers desire to see improvement. These responses do not necessarily represent complete unanimity, but are generally representative of the opinions that were expressed. It should be noted that there were a wide range of responses and customer perceptions which were often dependent on their specific situation; one customer may have a high opinion of a particular function, whereas another may have a low opinion of that same function.

Overall, there was a sentiment expressed that customer service is on an upward trend over the last 3-5 years. There is a general feeling that experienced engineers/architects/contractors have a better ability to "navigate the system", but processes can be more difficult for inexperienced or first time applicants to understand.

Representative comments are compiled below in three categories: 1. Meets Expectations, 2. Needs improvement, and 3. Code Concerns/Complaints.

A. Meets Expectations Comments

- Staff is knowledgeable and dedicated.
- Pre-development meetings and development review committee meetings are beneficial.
- The Development Guide is cited as very helpful, but many customers are not aware that it is available.
- Accessibility of staff – perceptions mixed:
 - Most customers said it is very easy to get in contact with employees and appreciate the ability to talk directly to employees, which is not the case in most larger cities.
 - Other customers reported that calls or emails may not be returned for several days.
 - Customers appreciate the generally informal atmosphere of the department.
- The initial site plan review time is usually much shorter than expected. (However, the overall time it takes to gain final approval is too long. The initial review may be rushed, causing new comments on subsequent submittals.)
- Several customers indicated that employees will generally help them meet plan review completion goals when they communicated a specific need.
- Plans and applications do not get lost.
- The Engineering and Planning Divisions' method of providing plan review comments written on the plans or by email works well for most applicants.
- The Building Division's method of providing plan review comments via phone call or email works well for most applicants. The Building Official allows revised pages to be resubmitted and inserted in lieu of resubmitting an entirely new plan set.
- The building plan review function is generally seen as stringent, but fair; the office is regarded as accessible and informal.
- The Building Official is generally accommodative of special needs related to redevelopment in the Old Town.
- The building inspections turn-around time from call-in to completion is satisfactory to most customers.
- Customers are pleased that after hours and weekend inspections are available (for an additional fee).
- The Engineering Division functions of plat review, construction plan review, and infrastructure inspections were frequently cited positively. Engineering Division employees were cited as busy, helpful, and responsive.
- A credit card being accepted for permit and re-inspection fees speeds up and simplifies payment processes for customers. (Therefore, an escrow account for such fees is not needed).
- Allowing separate permits for civil site work is appreciated, so that site work can commence while building plans and permits are finalized.
- No problems with code enforcement were cited, but most believe one officer is not adequate.
- Baker Hughes and Kohl's were specifically cited as large projects that proceeded successfully.
- Planning & Zoning members reported general satisfaction with:
 - The information provided to them in the staff reports.
 - Interactions with the staff representatives at meetings and in getting questions answered outside of meetings.
- Some comments focused on the notion that processes actually work pretty well. These respondents contend that complaints largely stem from the "Old Guard" who have historically gotten their way and are not adapting to new policies as the City grows.

- The current Mayor and City Manager are widely seen as the catalyst behind improvements in the operations of the department.
- While not directly related to the Community Development Department, many customers cite the EDC as extremely helpful. The Business Improvement Grant program is viewed positively.

In summary, the flow of processes works well: plans are not lost, and projects move from phase to the next. Practices such as accepting credit cards and allowing separate civil site work permits demonstrate an understanding of the business process needs of applicants. The accessibility and informality of most individual employees are appreciated. Overall, processes are set up well, but most concerns stem from instances where execution of those processes is not as efficient or accommodative as expected.

The following section lists representative comments regarding those areas perceived as needing improvement.

B. Needs Improvement Comments

- A common perception communicated by customers is that staff is not mean-spirited, but they just make things more difficult than they need to be; it is too hard to get to the end.
- One person summarized their perception by saying that once you know how the city wants things, the processes work fairly well, but how are new customers supposed to know the idiosyncrasies?
- With regard to the Planning Division, common themes expressed include:
 - Customers generally perceive that it takes an average of 2-4 review cycles to gain site plan approval (staff reports an average of 1.77 cycles).
 - New review comments are frequently added after the initial review cycle.
 - It would be acceptable to take longer to complete the initial site plan review (presumably allowing for a more complete review) if the overall number of cycles and time could be reduced.
 - Customers would prefer to see a more helpful problem solving attitude exhibited. Comments such as “I can’t support this”, “we want it done this way”, or just saying “no” without citing a specific code, are not well-received by customers.
 - The Planning Division is the first step in the development process and is often seen as the “face of the City”. Positive communication with a customer service attitude is vital toward shaping customer’s attitudes regarding the entire department.
 - With regard to landscaping requirements, personal preferences are enforced even though any plant material from the approved list is allowed at the designer’s discretion.
- With regard to building inspections, common themes expressed include:
 - Inconsistent interpretations and requirements between the inspectors.
 - Items required in the field vary from approved plans.
 - New requirements are added in the field that are not included in the approved plans (in fairness, construction standard details are not necessarily contained in the plans; the contractor must follow code requirements for details not shown in the plans).
 - Inspectors can be intimidating because they hold the power of approvals.
- With regard to communication and attitudes, common themes expressed include:
 - Problems are created by lack of communication of all requirements and options.

- Customers would like the review process to be more of a dialogue as opposed to one-way statements.
- Customers generally perceive that the staff does not have an adequate appreciation for the operational needs of businesses and the impact that City actions can have on those operations.
- There is a general perception that some staff members do not have an adequate sense of urgency, opinions are mixed on this topic.
- Many customers stated their perception that it is impossible to fully comply with all codes 100% of the time; staff must use “common sense” and needs to be given the flexibility to vary from codes while still following the intent of the codes.
- Interpretations change and new requirements are introduced as a project progresses from one division to the next and from one employee to another.
- With regard to zoning comments, common themes expressed included:
 - Some zone changes (and all PUDs) require a concept plan, sometimes including landscaping, elevations, dumpster screening, etc. This is too much detail required too early in the project planning process when the customer is likely still in an early due diligence phase. Applicants have to lock in too much detail early, then have to submit an amendment to change even small details later.
 - Zoning is hard to implement in older areas of town that were developed without zoning; zoning makes more sense in undeveloped areas.
 - Parking at existing retail centers, in particular, was cited as a common problem encountered due to zoning restrictions; parking is grand-fathered in the Old Town, why is it not grand-fathered for all commercial areas in existence at the time of zoning adoption?
- Several customers commented that they would like to see a better solution to allow easier and fuller development of the Old Town 25' lots without replatting. Replatting is expensive and time-consuming.
- The cost of development (platting, fees, engineering, drainage, etc.) is more easily absorbed by larger projects; costs for small projects can be disproportionate. Is there a way to streamline/simplify processes for small projects?

In summary, customers state that plan approvals take too long with too many new comments on resubmittals, it is difficult to predict what will be approved, and field requirements differ from approved plans. There is a belief that the staff's focus should be more on the intent of the “big picture”, with less focus on minor details that do not necessarily add value. Overall, problems appear to be caused more by attitudes and problems with execution rather than with problems with the underlying processes and procedures.

The following section lists the most common code concerns/complaints received during the interview process.

C. Most Commonly Discussed Code Concerns/Complaints

An exhaustive review of city codes was not included within the scope of this review; however, during the course of the interview process several code-related topics surfaced as recurring customer or employee concerns. Most of these topics are referenced in the recommendations section based on the frequency of comments and their relevancy to the overall goals of this assessment.

- Local fire code amendments enforce fire sprinkler requirements more stringently than the basic fire code.
 - The local definition of the “fire area” is the entire area under one roof so that any structure over 12,000 square feet is required to have a fire sprinkler system regardless of internal fire walls. The local ordinance does not recognize a fire wall as a valid separation.
 - Fire separations are required between all occupancies; standard exceptions allowed in the fire code are not recognized.
- A plat is required even for a minor building permit; may add more time and cost than the actual proposed improvement.
- Perhaps as many as 50% – 70% of site plan reviews are for minor residential improvements; customers have to submit a separate site plan application before they can submit a separate building permit application.
- Not all Old Town 25' lots are eligible for the simplified lot joinder process.
- The current underground utility policy is impractical. Centerpoint requires a certain amount of high voltage capacity to serve properties. Placing high voltage facilities underground is cost-prohibitive (\$300-\$400 per linear foot).
- Full construction plans and landscaping are required for temporary facilities such as sales trailers.
- Parking at retail centers in existence at the time zoning was adopted is not grandfathered. The requirement to comply with new parking regulations at existing retail centers when a new tenant moves in creates economic obsolescence. The landlord should not have to rely on a variance that may or may not be granted.
- The original zoning map placed too many properties in the wrong zones; it is inordinately difficult to change to a more “sensible” or contemporary zone.
- Known problems with the zoning code should be handled incrementally and not put off for long periods.
- The Zoning Code appears to have been adopted in less than final form:
 - The permitted use chart has blanks for some parking ratios.
 - The document contains editor’s drafting notes.
 - The document contains conflicts as to who has approval responsibility for certain items.
 - Some exhibits do not match text, which creates a conflict as to which one governs.
 - Should site plans be required for minor building permits such as patio sheds and covers with a separate \$50 fee?

Those code concerns that pertain to the core intent of this review are addressed in the Recommendations section of this report.

V. Employee Perspectives

Comparing the current perspectives of the employees to the perceptions of the Customers serves as a gauge of the degree of the attitudinal alignment between the two groups. Identifying the areas in which staff attitudes are inconsistent with organizational goals is the starting point for recommendations to bring the two groups into alignment. Additionally, the staff interviews also provided an opportunity for employees to express suggestions that otherwise may not have been communicated in the normal course of business.

- In general, staff members perceive themselves as being consistent, fair, and equal in the treatment of customers and applications (a view not always shared by customers).
- Common staff comments and perceptions related to the question of why complaints are occurring are summarized as follows:
 - Most complaints come from residential building superintendents who are used to working in the county with fewer regulations and inspections.
 - Much difficulty comes from local business owners; they are great at running their business, but they do not necessarily know how to develop land or build a building.
 - People like the results of codes until it affects them personally.
 - Complaints regarding inspections are largely due to differing interpretations between the inspectors.
 - The site plan review process, as the first point of contact in the process, is a large source of frustration for customers, being too drawn out and lengthy. Customers are unhappy before they start the engineering and building permit processes, so their view of the entire department is tainted.
- Most employees were not aware of a departmental mission statement; some could paraphrase general goals or have their own personal mission statements.
- There is not a routinely scheduled formal staff meeting which could be used to communicate goals or high priority topics.
- Employees generally view the end-user as the customer; they do not view the contractor as the customer. They generally believe the City Council is more concerned with responding to contractor complaints.
- Several former employees are cited by current employees as continuing influences on the attitudes in the department. Depending on the attitudes of those former employees, this continuing influence can have positive or negative implications on current operations.
- Internal communications could be improved; communication suffers as workload increases.
- Current logging and tracking systems do not automatically communicate status of approvals or holds, which increases the need to remember to individually communicate topics. This leads to gaps in communication and actions.
- The current method of taking inspection requests via an answering machine is time and labor intensive. The Permits Technician must manually write down requests from the answering

machine and re-enter them into the Incode permitting system. Upon entry into the system, the inspection request can be finally printed for use by the inspector in the field.

- Re-Inspection lags can occur when the contractor does not immediately pay the re-inspection fee; the Permits Technician has to call and coordinate fee payment before inspection can be scheduled.
- The Permits Technician is housed within the Building Division, but is in a de facto role as a department spokesperson based on the physical location in the lobby. The incumbent is not necessarily trained to handle non-Building Division issues, so customers are sometimes not able to have questions answered if planning or engineering staff is not available.
- Housing the Fire Marshal in the Community Development building is widely seen as an important communication/coordination aspect that should not be changed.
- All employees reported that the training and resources provided by the City are more than adequate.
- Having the on-call contract in place for plan review and inspections is a positive proactive practice.
- The current department director is seen as a positive influence who communicates expectations; an improvement over previous directors.
- The City Engineer provides back up for the Engineering Inspector and Fire Marshal.
- The Chief Building Official and Engineering Inspector provide back up for the building inspectors.
- The Building Official has no designated back up for plan review functions on staff.
- The Permits Technician has no clearly designated, fully trained back up.
- Multiple employees cited workload from daily obligations as preventing them from working on special projects that need attention.
- The general assessment by employees of those divisions/positions that are under-staffed are:
 - Engineering
 - Fire Marshal
 - Permits Technician

In summary, topics related to potential improvements in the areas of organizational culture/attitude, customer relations, communication, processes, and software were noted. Additionally, numerous positive practices and structures were documented for which the staff should be acknowledged.

VI. Benchmarks

The data gathered from the interview process provided a qualitative view of the operations of the department. Recognizing that workload may have an impact on the staff's ability to provide quality service, selected workload performance measures were benchmarked against regional peer cities to add a quantitative component to the analysis. Four cities were contacted and three responded to the data request: Friendswood, Webster, and Willis. Comparing data on an even basis between cities with different processes, organizational structures, and reporting mechanisms is always difficult, but every effort has been made to ensure as equal comparison as possible.

The benchmark cities were selected based on 2010-2013 growth rates most similar to Tomball as shown in Table 1.

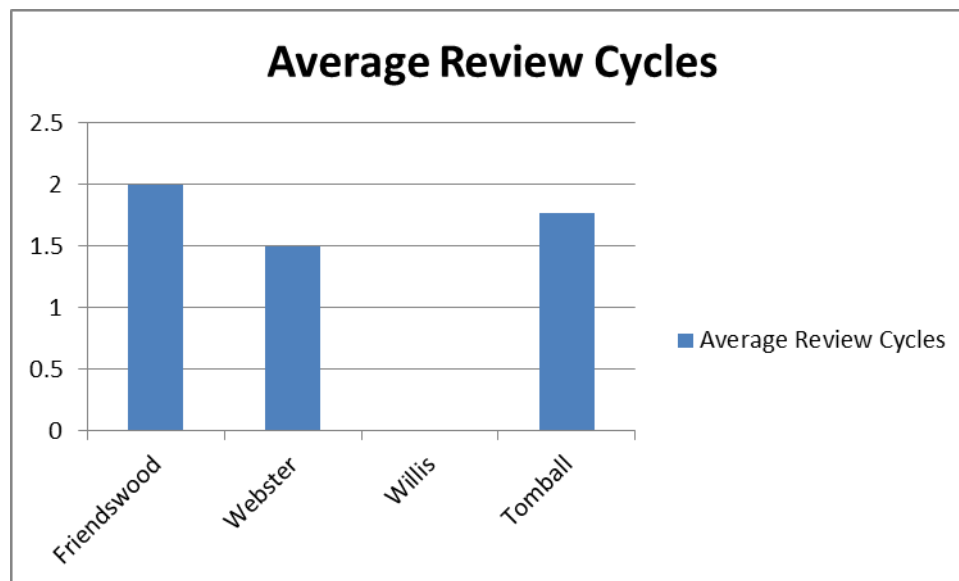
Table 1

	2013 Population		Growth Rate 2010-2013		Building Code Edition
Friendswood	37,587		5.0%		2009
Tomball	11,124		3.5%		2012
Webster	11,006		3.7%		2009
Willis	6,076		3.7%		2009

Performance measures related to planning, engineering, and building functions were benchmarked with results as shown in the following sections.

A. Planning Benchmarks

1. Average review cycles required for site plan approval

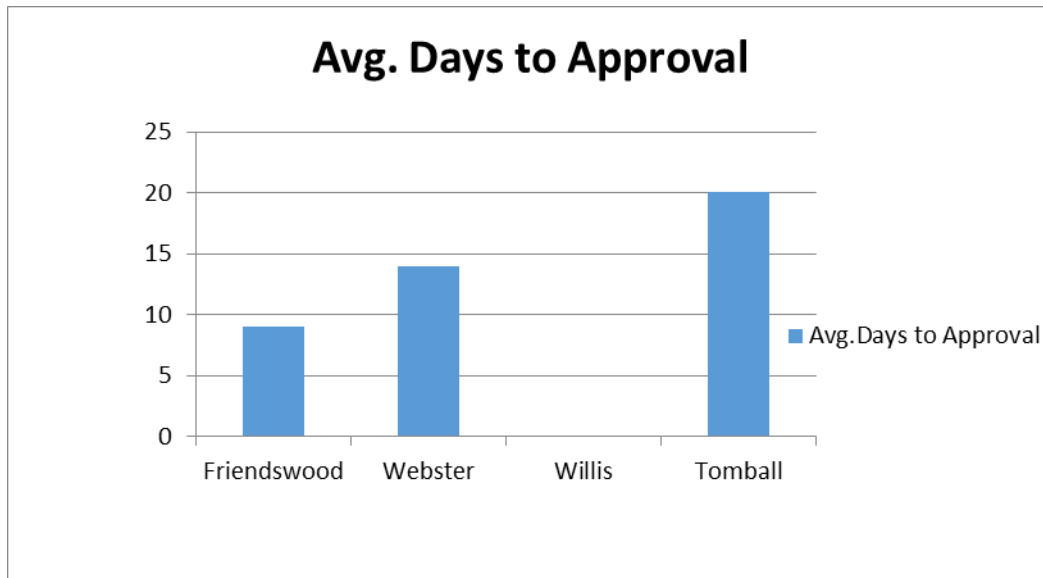


Note: Willis does not report site plan reviews separately from building plans.

Discussion:

Tomball compares favorably with an average of 1.77 cycles for a site plan approval. It should be noted that customers perceive that most site plans take 2-4 cycles for approval, so there is likely a split between simple site plans that may take only one cycle and more complicated site plans that take multiple cycles, so that the average result is as shown. Emphasis needs to be placed on reducing the number of cycles for complicated site plans.

2. Average days from submittal to approval of site plans



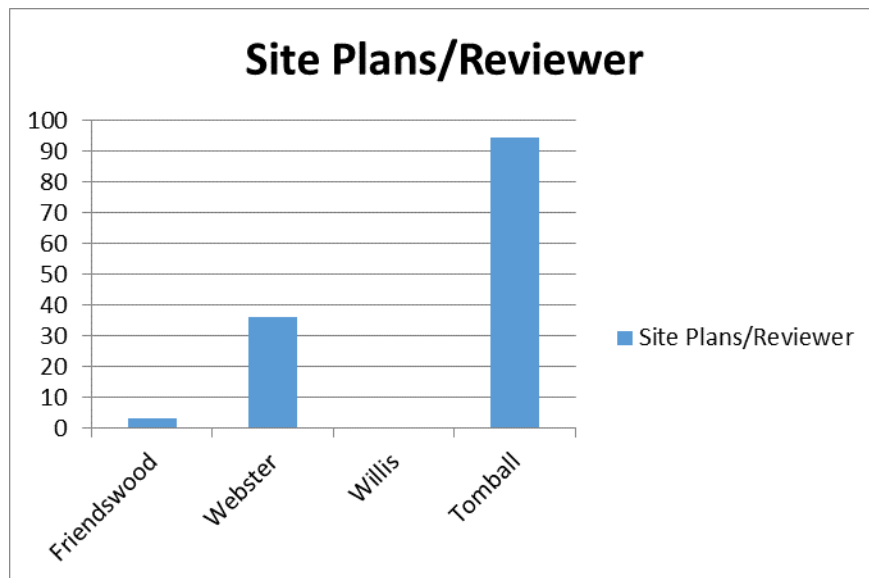
Note: Willis does not report site plan reviews separately from building plans.

Note: Reported "Days to Approval" includes city review time and the applicant's response and resubmittal time; city entities have no control over the applicant's response & resubmittal schedules.

Discussion:

At 20 days, Tomball reports the longest average time to approval of the reporting cities. This could be attributable to the overall quantity of site plans being reviewed (see next section) or to difficulties with the precision required in site plans as discussed in the interview comments section. An emphasis should be placed on reducing the average to between 10 and 15 days.

3. Site plan reviewer workload



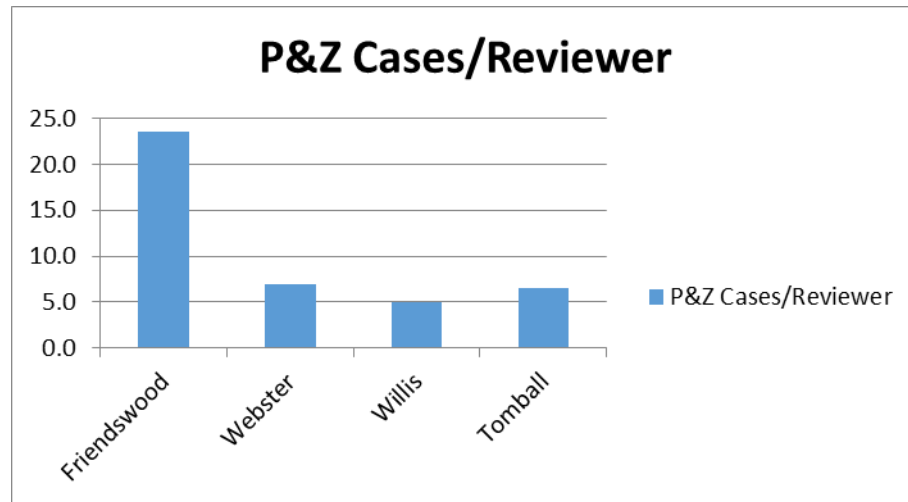
Note: Willis does not report site plan reviews separately from building plans.

Discussion:

At over 90 site plans/reviewer/year, Tomball shows the greatest workload of the reporting cities. This statistic likely also contributes to the lengthy average days to approval. It should be noted that site plans submitted in June 2014 represent a 59% increase over the June 2013 volume, so the site plan applications volume is on a steeply increasing upward slope. Additionally, approximately 70% of site plans are for residential applications.

An emphasis should be placed on reducing the number of situations where a separate detailed site plan is required. For example, most cities address residential site plans as a combined submittal with the building permit application as opposed to a separate submittal process (the current practice in Tomball).

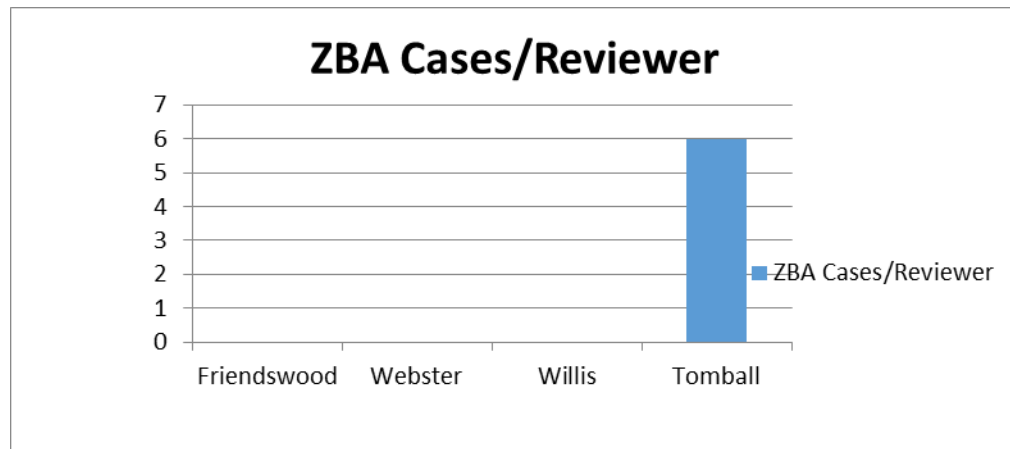
4. Planning and Zoning Commission Case Load



Discussion:

At 6.5 cases per reviewer, Tomball is consistent with both Webster and Willis, but well below the Friendswood workload for this measure.

5. Zoning Board of Adjustments Case Load

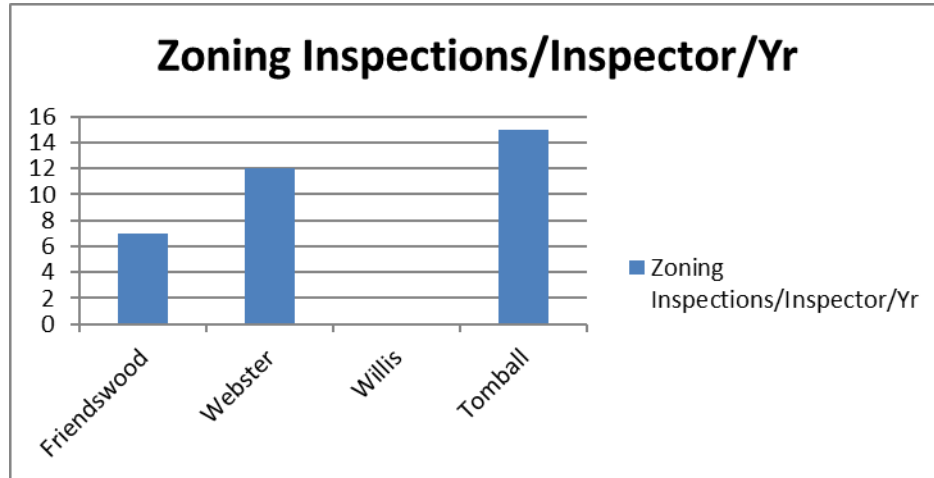


Note: None of the benchmark cities had any ZBA activity during the study period.

Discussion:

None of the benchmark cities had any ZBA activity, so comparisons are difficult. However, the combined Tomball Planning Commission and ZBA case load activity is 12.5 cases/reviewer, which is about twice the workload in Webster and Willis, but still only about one-half the Friendswood workload. The Tomball ZBA cases should be reviewed in greater detail to identify possible code changes that could reduce the number of cases requiring ZBA action.

6. Zoning inspections workload



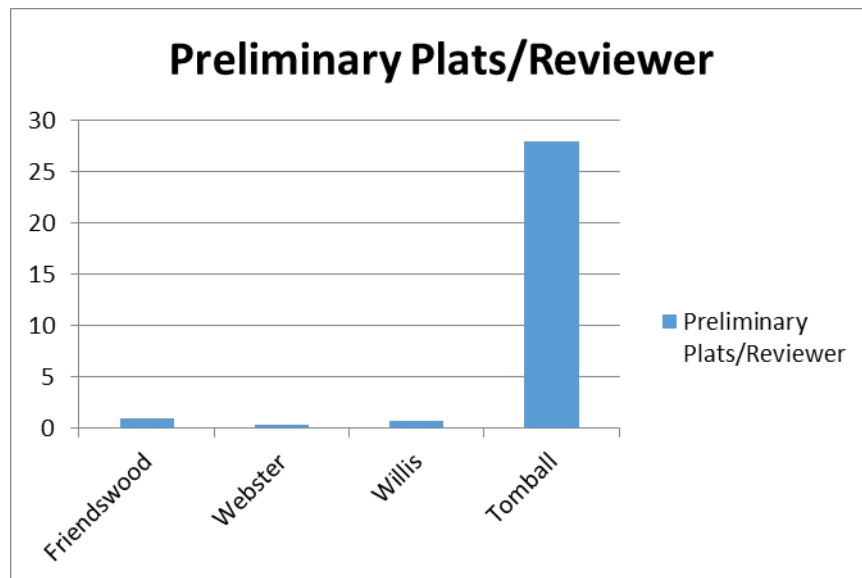
Note: Willis does not report zoning site plan inspections separately from building inspections.

Discussion:

Tomball reports the greatest zoning site plan inspections workload; however, for an annual figure, the workload is within a reasonable range of the reporting cities. No special action is recommended.

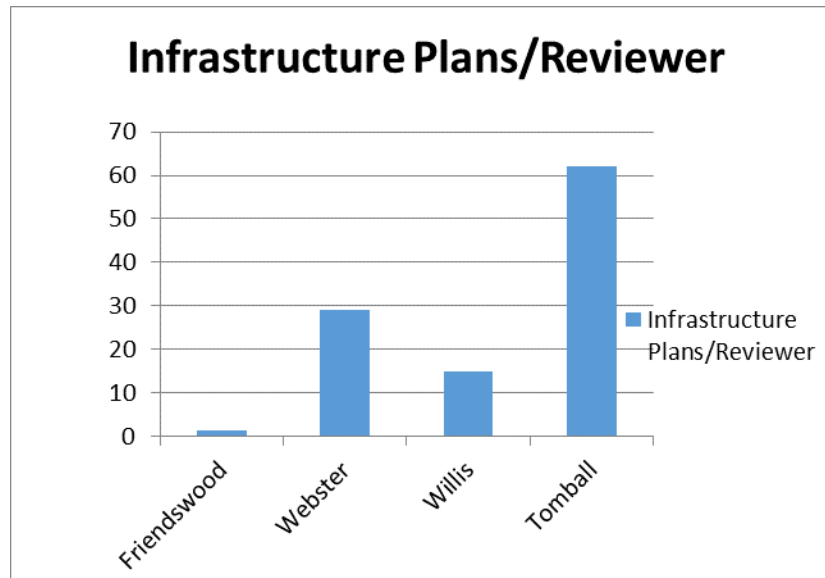
B. Engineering Benchmarks

1. Preliminary plat processing workload



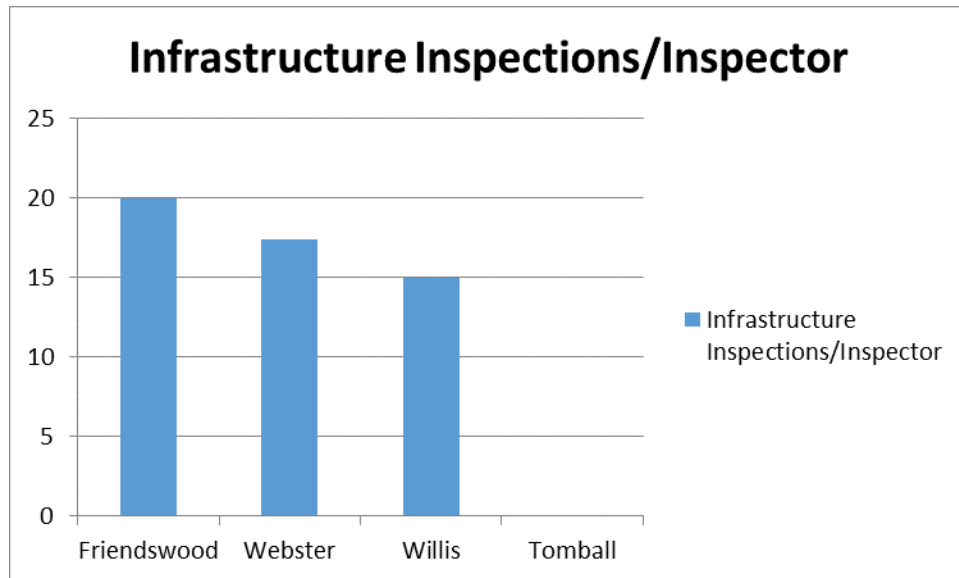
Discussion:

Tomball has the highest ratio by far with the fewest employees involved with plat review. The City also has a higher level of platting activity than any of the benchmark cities. The current level of platting activity is likely to continue or increase as major mobility projects are completed in the Tomball area. An emphasis should be placed on devising strategies to reduce this workload as further discussed below.

2. Infrastructure plan review workload**Discussion:**

Similar to the platting workload, Tomball also has the highest ratio of infrastructure plans per reviewer than any of the benchmark cities. These two factors together indicate that addressing the workload should be addressed; filling the vacant assistant city engineer position should be considered.

3. Infrastructure inspection workload



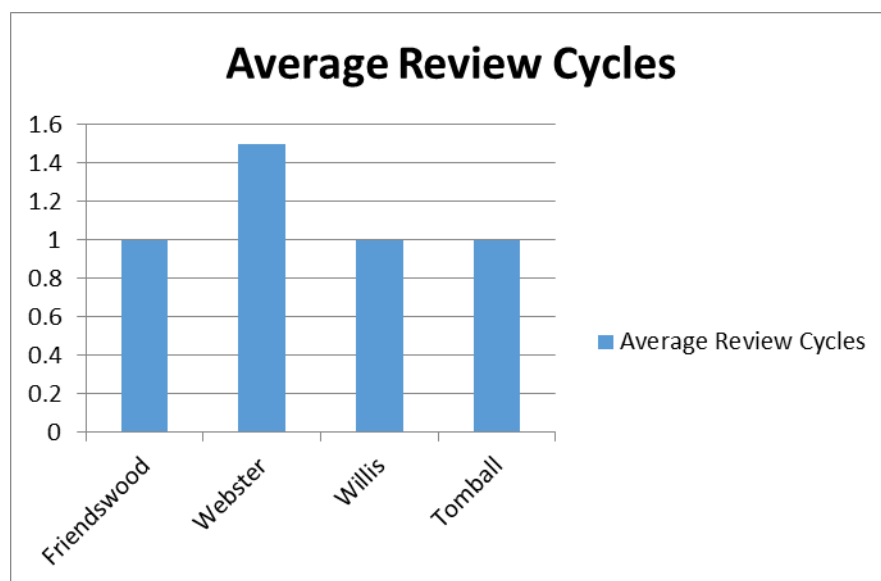
Note: Tomball does not currently track infrastructure inspections workload data.

Discussion:

Tomball does not currently track the number of infrastructure inspections being performed, but the inspector verbally indicated that the workload is not excessive. An emphasis should be placed on tracking this data for future reference.

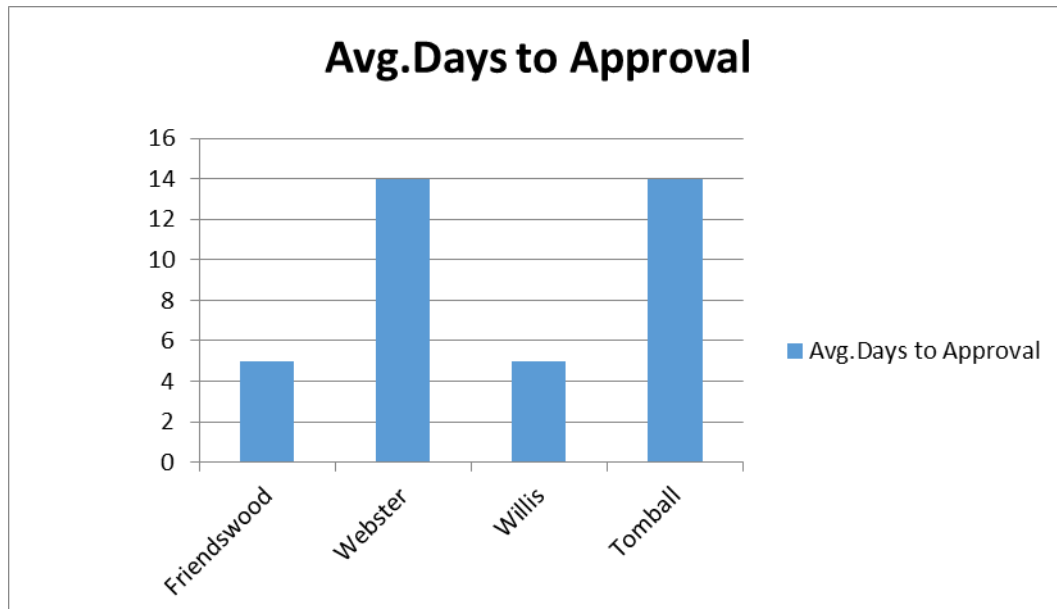
C. Building Benchmarks

1. Average review cycles needed for building plan approval



Discussion:

Most cities report “1” as the average number of review cycles. This is based on the typical industry practice of allowing revisions to be made by updating/inserting plan sheets or the applicant acknowledging compliance is required with the conditions placed on the permit without the need for a full resubmittal. This is a good practice that is responsive to the needs of the building community.

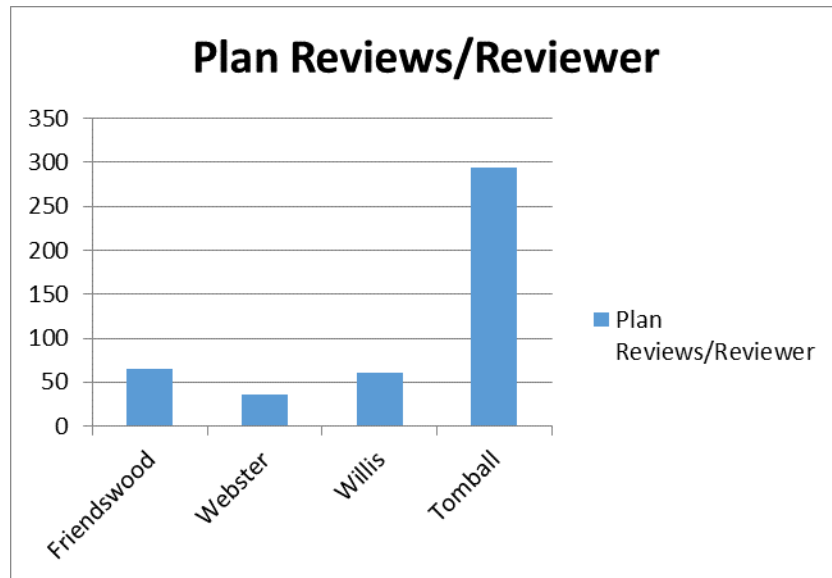
2. Average days from submittal to approval of building plans

Note: Reported “Days to Approval” includes city review time and the applicant’s response and resubmittal time; city entities have no control over the applicant’s response & resubmittal schedules.

Discussion:

Tomball’s 14 days is consistent with Webster, but significantly greater than either Friendswood or Willis. However, most customers did not express dissatisfaction with the building plan review turn-around time. This could be related to the back and forth communication that occurs during plan review as described in the previous section. This benchmark and customer comments should be monitored to ensure this measure stays within an acceptable level.

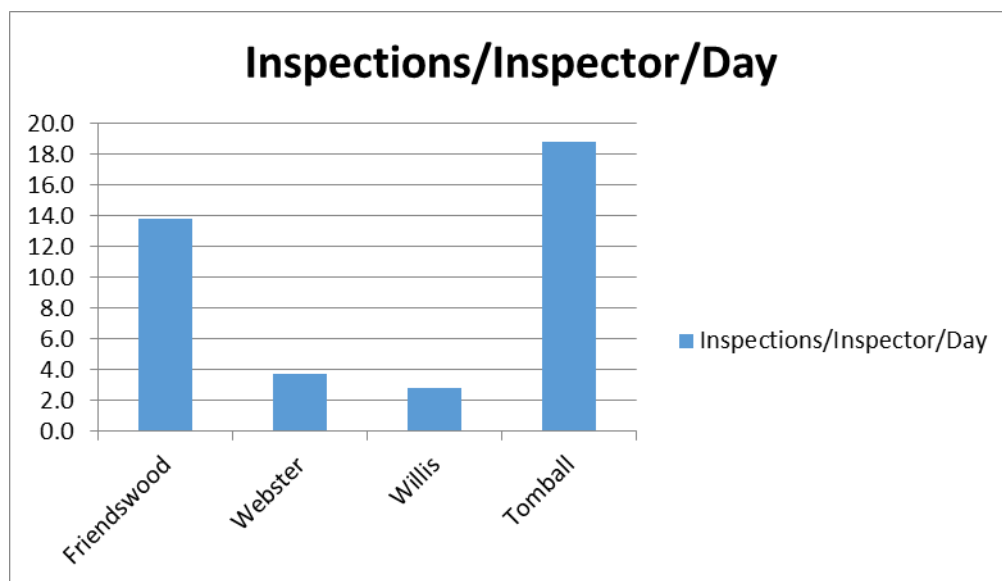
3. Building plan review workload



Discussion:

Tomball's building plan review workload is by far the highest of any of the benchmark cities. However, the Chief Building Official has been able to maintain general customer satisfaction with both the number of review cycles and the approval turn-around time. Other alternatives are discussed in the Building Division Recommendations section of this report.

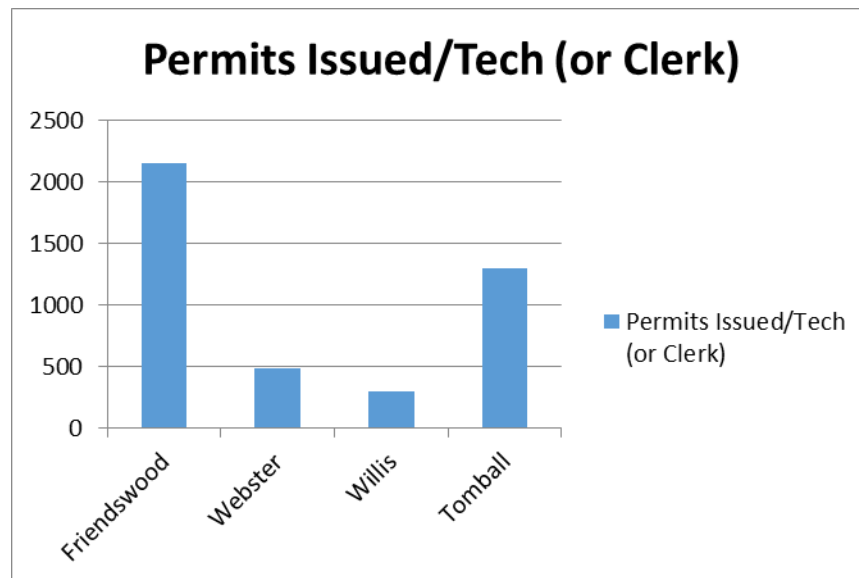
4. Building inspections workload



Note: These figures have been adjusted for those cities/inspectors on the 9/80 schedule to reflect a four-day work week.

Discussion:

Tomball's building inspection workload is highest among the benchmark cities. The daily average is within the generally acceptable range of 10-20 inspections/day. However, since this is an average, this data implies that there will be a number of days where inspections will exceed 20 or more per day. In fact, the reported maximum day in the peak summer season is as many as 30-40 inspections per inspector. This measure should be closely monitored and the on-call inspections contract should be utilized as necessary.

5. Permitting workload**Discussion:**

Tomball is about mid-range in terms of the permitting technician workload. However, it should be noted that the level of permits issued has increased by 54% since 2010. Also, to be considered are the other job responsibilities of the technician including inspection scheduling and receptionist-type duties. This measure should be carefully monitored to ensure it stays within an acceptable range. Other alternatives are discussed in the Building Division Recommendations section of this report.

VII. Recommendations

In response to the topics described by City Council, customers, and employees, and MDP's assessment of these topics, the following recommendations have been developed. These recommendations are directed toward improving the problem solving culture, enhancing communication, and streamlining practices and procedures of the department. These recommendations have an eye toward enhancing customer-friendliness and reducing permitting difficulties. Furthermore, the recommendations are intended to be consistent with the vision and desired outcomes stated in Section III of this report and are focused toward addressing the most frequently occurring concerns/complaints expressed by customers.

The recommendations are generally grouped along three major categories: high level organizational culture and communication topics; specific practice or procedural recommendations for the various functions of the Department; and code recommendations related to the customer and employee concerns documented during the interview process. Many of the recommendations in this report are a result of suggestions made by participants in the interview process.

A. Organizational Culture

Discussion:

The basis for success of any technical recommendation begins with a firm organizational culture foundation that supports those efforts. The department needs to have a clear understanding of Council and management's expectations, an attitude that is aligned with those expectations, and the communication mechanisms necessary to implement and adapt to those expectations on a daily basis. The following recommendations are intended to address MDP's observations where departmental cohesiveness may be lacking and to initiate attitudinal adjustments to align the culture of the department with the expectations of the City Council and management.

Recommendations:

1. Led by the Director, the employees of the department should actively engage in creating a departmental vision statement and goals that are consistent with the vision statements and desired outcomes documented in this report. An attitude of problem solving and accommodation needs to be central to the vision.
2. Hold routine departmental staff (including Fire Marshal) meetings to reinforce problem solving philosophies, communicate recent or upcoming unique situations, and encourage information exchange that can enhance consistency.
3. To instill an acknowledgement of the current consolidated organizational structure and a sense of teamwork, consistently reinforce the use of the name "Community Development Department" in correspondence and answering phones instead of using the prior names for the individual divisions. Refer to Engineering, Planning, Building, and Code Enforcement as "divisions".

4. As software systems are upgraded, ensure all divisions (plus the Fire Marshal) can access and use the same permitting and tracking system to reinforce communication and teamwork among all divisions within the department.

Establishing and maintaining a vibrant and aligned culture is a continual process. Success depends on a repetitive reinforcement of the goals and vision by all levels of management and engagement of all levels of staff through periodic team building exercises, projects, retreats, or similar activities.

B. City Council/City Management Roles

Discussion:

While the employees of the Department are primarily responsible for providing the expected level of customer service, City Council and City Management have a role in setting the tone for the operations of the department. By clearly stating expectations, defining the leeway (or rigidity) that is acceptable (or expected), and supporting actions of employees that are in line with expectations, City Council and City Management play a key role in providing direction for the Department. Ultimately, the employees need to perform up to expectations, but they will be more likely to make good decisions and accept risk if they know they will be supported for their efforts. These recommendations are intended to provide guidance in establishing the atmosphere that is needed in order for the more technical recommendations that follow to have a better chance of success.

Recommendations:

1. City Council and staff should convene a workshop to discuss this report and the expectations for implementation.
2. During this workshop or in subsequent follow up workshops, the following topics should be discussed:
 - a. Discuss the level of “reasonable discretion” that is expected and what it means to use “common sense” in the context of implementing zoning, platting, and building code decisions.
 - b. Create a level of understanding as to the errors or deviations that are acceptable to City Council and City Management so long as staff is acting in the interest of solving problems associated with the uniqueness of each situation.
3. Staff should facilitate periodic joint City Council-Planning & Zoning Commission vision/goal setting workshops to enhance communication between the two bodies.
4. City Council should interview Planning & Zoning Commission candidates before appointment to increase the degree of alignment of vision/goals of Commission members with the City Council vision.
5. Staff should prepare, for City Council consideration, a policy requiring building and fire codes to be adopted within one year of publication of new versions.
6. City Council should encourage the Community Development staff and Planning and Zoning Commission to conduct an annual review of the zoning ordinance and subdivision code to address any issues that are frequently occurring.

C. Customer Relations

Discussion:

A common theme communicated from customers is that all City staff members do not necessarily have private sector business experience; therefore there is a perception that staff does not always understand the business, financial, or time constraints that they face. The following recommendations are intended to not only promote a better understanding by staff of the customer's needs, but also to promote a two-way dialogue so that customers can better understand the pressures and constraints faced by City staff.

Recommendations:

1. Establish a protocol to conduct a customer survey upon issuance of certificates of occupancy for random or major projects. A simple survey mechanism such as "Survey Monkey" could be utilized (\$300/ year for unlimited questions and responses). Assign responsibility to a staff member for sending the survey, and compiling and disseminating results. For particularly large or complex projects, a face-to-face post-project debriefing meeting may be warranted.
2. The Community Development staff should host periodic forums for members of the development/building community that do business in Tomball to open and maintain an opportunity for dialogue. These forums can be utilized to communicate such topics as proposed new codes, frequently encountered problems, and to receive feedback and suggestions from developers, contractors, engineers, and business owners. The goal of this initiative is to establish and maintain open lines of communication between the department and customers. Establishing open rapport will facilitate a collaborative problem-solving environment between staff and customers.
 - a. Initially a quarterly schedule is recommended; re-evaluate frequency after the first year.
 - b. Depending on the interest of participants, the City may want to break the forums into more focused topic sub-groups (for example, separate planning, engineering, and building/inspections forums).
3. Host "lunch and learn" professional development opportunities for staff with speakers from the local business community including individuals representing interests such as design professionals, business owners, land owners, real estate, or banking.

D. Communication

Discussion:

Many comments from customers focused on what they perceive to be incomplete or inconsistent information flowing from the department. Therefore, the recommendations below regarding communication are centered on methods to encourage open lines of communication and to more consistently deliver information that can be relied upon.

Recommendations:

1. To provide more consistent and comprehensive information, develop a checklist of topics to be covered at pre-development and development review meetings. The checklist should consist of

common steps that must be followed for typical projects, a review of code issues that are unique to Tomball, and commonly encountered questions. The checklist and notations of comments made at the meeting should be provided to the customer. (Currently, good topics are covered at the meetings, but written information is not routinely provided).

2. Pre-construction meetings: For large projects or for homebuilders/contractors working in Tomball for the first time, utilize a pre-construction meeting to review procedures and common problem points, and to establish communication. Attendees should include all relevant city personnel and office and field employees of the contractor, engineer, or architect. Topics covered should include frequently encountered building/inspections issues, inspections procedures, and final acceptance procedures.
3. Establish a frequently asked questions/answers database available via the website. The database should be fully searchable for key words to ease the ability to find the appropriate answer. An employee, such as the Community Development Coordinator, should be assigned to coordinate routine maintenance and additions. The Director should periodically review for continuity and relevance. The initial creation of the database can be accomplished as a team exercise to brainstorm the most commonly asked questions and/or problems encountered. Members of the development/building community, EDC, or Chamber of Commerce could also be asked to participate in submitting initial questions.
4. Better publicize and distribute the Development Guide. Many interviewees were not aware of its existence. Options include keeping copies available at the Community Development lobby, city hall lobby, the EDC office, the Chamber of Commerce office. Also, increase the prominence of the link to the Guide on the City's website.
5. Establish and enforce a policy on answering/returning phone calls and emails within 24 hours (or alternatively by the end of each day).
6. When changes in technical criteria, interpretations, or processes are proposed that do not require an ordinance change, post the proposed changes on the website 30 days in advance of the effective date.

E. Planning Division

Discussion:

The Planning Division is typically the first step in the development process and is thus the first impression many customers have of the City. Recommendations in this section are geared toward instilling a problem-solving and accommodative attitude, and enhancing the clarity of communications. Additional recommendations regarding streamlining planning and zoning processes are covered in the Zoning Ordinance section later in this report.

Recommendations:

1. Establish and enforce a site plan review goal: For example, 95% of all applications will be approved in no more than two review cycles.

2. Establish and enforce a policy that new comments will not be added after the first review (except where the applicant has made new modifications to the plans).
3. Reinforce the intent that site plans are to be evaluated for compliance with regulations to the best extent possible (as stated in Sections 12.3.F.1.b and 12.4.F.1.b. of the Zoning Ordinance), to encourage greater flexibility in approval of site plans that meet the intent of the regulations even though minor items may not completely comply. See related recommendations under the Zoning Ordinance section further below.
4. Staff should conduct training for all new Planning and Zoning Commission members, including their distinct roles for platting and zoning functions.
5. Staff reports for zoning applications should be delivered to the Commission and applicant no later than the Thursday prior to the meeting. This will allow applicants an opportunity to prepare for and respond to comments with staff so that issues that can be resolved do not have to be debated in front of the Commission.
6. Conduct an annual review of the zoning ordinance and subdivision code for presentation to the Planning and Zoning Commission and recommendation to the City Council.
7. Conduct a review of recent Zoning Board of Adjustment cases to identify possible code changes that could reduce the number of cases requiring ZBA action.
8. Whenever possible, Zoning Board of Adjustments staff reports should include a possible compromise solution. (MDP understands that the current practice for Zoning Board of Adjustments staff reports is to automatically recommend denial because, technically, the request is inconsistent with code and staff can not recommend an item that is inconsistent with the code).
9. Define the difference between a “pre-development” meeting and a “development review committee” meeting and the applicant requirements for each.

F. Engineering Division

Discussion:

The Engineering Division is widely regarded positively, so recommendations for the division are limited. Process recommendations related to platting are included in the Subdivision Code section later in this report.

Recommendations:

1. Plat review staff reports should be delivered to the Planning and Zoning Commission and applicant no later than the Thursday prior to the meeting. This will allow applicants an opportunity to prepare for and respond to comments with staff so that issues that can be resolved do not have to be debated in front of the Commission.
2. Creation of an assistant city engineer position should be considered in light of the high workload for plat and plan review benchmarks described earlier in this report. An assistant city engineer could assist with plan and plat reviews and infrastructure inspections, freeing the City Engineer to focus more on keeping technical criteria documents current and customer relations, in general.

3. Begin tracking data on the number of infrastructure inspections performed so that this measure can be tracked for future reference.
4. Although GIS is managed by the IT department, management should facilitate efforts by the Engineering Division to improve the functionality of the GIS and to allow more on-line access to GIS data for outside engineers.
5. See additional recommendations under the Subdivision Code section.
6. See additional recommendations under the Application Forms section.

G. Building Division

Discussion:

The building plan review function is widely viewed positively; however, the inspections function was noted as needing improvement in several areas. Most recommendations relate to the inspection functions and communication in general. Additionally, recommendations are included that relate to items identified in the benchmarking process.

Recommendations:

1. Create plan review checklists for the most common types of plans typically received and for the most important items that have been historical problem areas. The checklists are not intended to be completely comprehensive as there will always be unique issues with each plans set. However, the checklist can be used as a communication tool so that designers can be aware of the most common issues that are important to address.
2. Establish a formal back-up for the plan review function for times when the Chief Building Official is out of the office for extended periods; utilization of an on-call contract would be an acceptable initial alternative.
 - a. Implementing a separate plan reviewer position should also be considered. Creating this position would allow the Chief Building Official to provide more emphasis on managing the field inspectors, allow more time for customer relations (answering questions), and establish a succession planning track. Additionally, creating this position would facilitate the recommendation to combine the residential site plan application with the building permit application as discussed in Zoning Code recommendation #4 further below in this report.
3. Create typical inspection checklists for the various phases of construction documenting the items deemed most critical to the City and/or problem items most commonly encountered. Each checklist should have a disclaimer that compliance with all relevant codes is still required. (A sample residential checklist from the City of Conroe has been provided to the staff as a reference).
4. Consider a “yellow tag” inspection result option to denote a “correct and proceed” process for non-critical items. The advantage of this program would be to allow minor deficiencies to be noted for later follow up without completely shutting down a job. A potential disadvantage would be that if the item is not corrected, greater conflict between the City and contractor could occur later. The list of inspections that would be eligible for a “yellow tag” should be developed by the Chief Building

Official and inspectors, with input from contractors, for approval by the Director. (A sample from the City of Conroe has been provided to the staff as a reference).

5. Assign inspectors to geographic regions so that projects have a consistent inspector through the duration of the project (except in the, except in the case of vacations or days off). Annually or semi-annually, inspectors could be rotated to another zone in order to maintain freshness and ensure a long term equal distribution of workload.
6. Establish and enforce a policy covering situations where one inspector has to follow up on a red tag from another inspector, such that the inspector is only to inspect the red tagged item and not add new items previously approved by another inspector. If the inspector does notice an absolutely critical life-safety item, they need to communicate with the Chief Building Official and the contractor before issuing a red tag for previously approved work.
7. Periodically, perhaps one day per month, pair up inspectors and/or the Chief Building Official to perform inspections together so that each can see the other's views of what needs to be inspected in particular situations and the interpretations they might make. This will facilitate communication and consistency.
8. Establish a clear protocol that the Chief Building Official has authority to issue the final certificate of occupancy and establish a mechanism for quickly resolving conflicts between building inspections, zoning, and Fire Marshal.
9. Ensure the Permits Technician has fully cross-trained support designated from among the utility clerks to serve as a back-up during times of vacancy from the office. Improvements related to automating the inspections request process noted in the Software section below will also positively impact the workload of the Permits Technician.
10. Require electronic submittal of approved plans and "as-built" record drawings to reduce the current workload required to scan these documents.
11. In the frequently asked questions database described previously, include examples of types and levels of projects that require permits and examples of projects that would not require a permit.

H. Fire Marshal

Discussion:

Comments related to the Fire Marshal functions were largely confined to the local fire code amendments, so recommendations are directed toward those topics.

Recommendations:

1. Create plan review checklists for the most common types of plans typically received and for the most important items that have been historical problem areas. The checklists are not intended to be completely comprehensive as there will always be unique issues with each plans set. However, the checklist can be used as a communication tool so that designers can be aware of the most common issues that are important to address.

2. Assist City Council in re-evaluating the current fire sprinkler requirements by compiling relevant comparative and fire loss data necessary for City Council to make an informed decision consistent with the current goals and needs of the City.

I. Software

Discussion:

The current tracking and permitting systems have worked in the past, but they are rapidly becoming ineffective as the city grows and workloads increase. A more comprehensive and automated system is needed. The following recommendations are intended to serve as performance standards when analyzing the capabilities of possible software systems. MDP recommends the City retain a qualified information technology implementation consultant to serve as an owner's representative during the software vendor selection process.

Recommendations:

As the City evaluates potential new software systems or additions, MDP recommends that such systems possess the following minimum capabilities.

1. Allow for automated inspection requests via phone call-in, a cell phone app, or internet.
 - a. Ensure that all inspections requests (infrastructure, zoning, building, Fire Marshal) are accessed from the same method, so that contractors do not have to call separate numbers for some inspections.
2. Allow inspectors to input inspection results from the field to speed up availability of results (currently input results at the end of the day).
3. Allow customers to see plan review status and inspection results on line or receive updates via email/text.
4. A land management system is needed to be able to track actions and past approvals related to each parcel.
 - a. Incorporate a data field to track plat applications and locate recorded plats for each parcel.
5. The system must be able to send automatic notification to relevant staff to begin review when new plan sets are submitted and logged.
6. Ability to automate notification of stop work orders to all personnel relevant to a particular action.
7. Ability to document and communicate to all relevant personnel the approval status of applications that trigger the hold or release of subsequent reviews, permits, or certificate of occupancy (for example, the Chief Building Official needs to know if a site plan has been approved for a particular project before issuing the building permit).
8. The system must be integrated to allow Engineering, Planning, Building, Fire Marshal, and Utilities to access, update, and view the status of various all permits, applications, and property records.
9. Ability to link to the Fire House software used by Fire Marshal.
10. Ability to attach electronic files, such as permit drawings or correspondence, to each permit record.
11. Capable of accepting electronic plan submittals.

J. Zoning Ordinance

Discussion:

A detailed review of the zoning ordinance was not included in the scope of this engagement because a separate review of the code is already underway. However, the code was reviewed for possible issues related to common customer complaints and City Council goals. The areas addressed by these recommendations primarily relate to administrative topics, simplifying site plan reviews, and encouraging greater flexibility during the review process.

Recommendations:

1. **Codification:** The ordinances revising the zoning code should be codified into one consolidated document.
2. **Zone changes not in conformance with the comprehensive plan (8.2.B):** Current code states the Commission shall annually review and make recommendations to City Council regarding revisions to the comprehensive plan. The current practice of requiring the future land use plan to be updated simultaneously with zone changes that are not consistent with that plan should be discontinued in favor of an annual update of the future land use plan coinciding with the annual comprehensive plan review.
3. **Staff-Approved Deviations (Section 5):** This section of the ordinance states the requirement that all development must conform to the zoning regulations; however, Section 12.3.F.1.b regarding site plans, recognizes that some flexibility is beneficial by stating: "Site Plans shall be evaluated to ensure that all developments are, to the best extent possible, constructed according to the City's codes and ordinances" (emphasis added). Similar language regarding Building Permit Plans is contained in 12.4.F.1.b. The flexibility intended in the above sections of the ordinance should be encouraged by management; this concept is further clarified as a proposed amendment of the zoning code as described below.

A new Section 5.5 should be added to authorize the City Planner to grant dimensional or quantitative adjustments of up to 10% on required items in the code. This will reinforce and quantify the concept of allowing greater flexibility for unique situations where the full intent of the code cannot be achieved. The adjustment authority should be applicable to such items as landscaping, trees, sidewalks, sign area, parking, driveways, screening & buffering, lot size, lot coverage, or setbacks.

4. **Site Plans (12.1.B.3.a):** A common complaint regarding relatively simple of minor residential improvements (such as a patio cover) is that a separate site plan application is required before the building permit application can be submitted. There are two issues here: 1) It is MDP's opinion that 12.1.B.3.a exempts single family residential districts from the requirement to submit a site plan; and 2) For "Building Permit Plans", the Zoning Code does not appear to require two separate submittals; it just requires that improvements conform to the Code.

The current practice of requiring a separate site plan submittal process for residential properties should be discontinued. The Building Site Plan and building permit can be submitted as one application with site plan review and building plan review proceeding simultaneously. In the short term, the site plans can still be reviewed by the Assistant City Planner, but this function should transfer to a building plan reviewer if that position is created as recommended previously in this report. (See additional recommendations regarding platting exemptions that may further simplify site plan reviews in Section L of this report below).

5. **Parking (39.7.E):** A common complaint regarding parking pertains to the lack of grandfathering for structures existing at the time of adoption of the Zoning Ordinance (primarily retail centers). Section 39.7.E contains two provisions. The first provision covers three scenarios: 1) parking for existing structures is grandfathered; 2) if a change of use or enlargement generates a need for an increase in parking of less than 10%, then the additional parking requirement is waived; and 3) if a change of use or enlargement generates a need for an increase in parking 10% or more, then the additional parking requirement applies only to the enlargement or change. MDP believes this provision, assuming it is administered in this manner, is reasonable and fairly typical.

The second provision of Section 39.7.E, however, is more onerous. This provision states that when a change of use or enlargement generates a need for an increase in parking greater than 50%, then the new parking requirement is applied to the entire building. This provision effectively removes grandfathering protection from portions of the building that are left unchanged. This second provision of Section 39.7.E should be deleted.

K. Subdivision Code

Discussion:

Recommendations for the subdivision code are primarily related to simplifying processes for relatively minor projects. Additionally, procedural suggestions to enhance communication and streamline certain processes are provided.

Recommendations:

1. **Platting Exemption (70-3.d):** Broaden the exemptions from the platting requirements to allow building permits to be issued in the following situations without platting:
 - a. Permits for repair or remodeling of an existing structure or for site improvements (parking areas, driveways, patio covers, swimming pools, etc.) which involve no increase in square footage of any enclosed structure.
 - b. Permits for demolition or removal of a structure from a parcel or tract.

Provided:

- i. A site plan must accompany the building permit application so that compliance with all appropriate codes can be verified; and
- ii. Any public dedication otherwise required by the City is achieved by separate conveyance to the City prior to the issuance of the permit.

Additional options: 1) To narrow the exemption, the exemption can be made applicable to only residentially zoned or used properties; 2) To broaden the exemption, improvements that result in an increase of no more than 10% of the enclosed area of the structure could be included in the exemption.

2. **Plat Review Time (70-12):** Current code allows only seven days for plat review prior to the P&Z meeting, which can cause rushed reviews and comments being delivered to the applicant and the Commission at the meeting. To allow the staff to have adequate time to review and to allow the applicant and Commission adequate time to respond to comments, the review period should be extended to 14 days with comments due no less than five days prior to the P&Z meeting.
3. **Approval of Plats (70-18):** Current code vests plat approval authority with the Planning and Zoning Commission. The informal practice of submitting plats to City Council for approval should be discontinued.
4. **Acceptance of Dedicated Improvements (70-66):** Current code vests final acceptance of public improvements with the City Council. Acceptance of improvements is based on compliance with technical design standards which is more appropriately determined by technical staff; approval by City Council adds additional time to the process. The code should be modified to allow acceptance of improvements to be approved by the City Engineer.
5. **Old Town Lot Joinders (Ordinance No. 2011-10):** Firstly, this ordinance needs to be codified into the subdivision code. Secondly, the platting exception applies only to lots that meet five separate criteria, which greatly reduce the number of lots eligible for the platting exemption. To ease development in the Old Town and reduce the customer's cost of platting, the following two criteria should be removed: (a) Requires at least one owner in common as of the date of the ordinance; and (c) Requires that a structure existed on the lots as of the date of the ordinance and is still in existence at the time of the joinder. Removing these two restrictions would greatly broaden the applicability of the platting exemption and simplify Old Town development.

L. Development Guide

Discussion:

This is a well-written and easy to follow document that covers the aspects of a development project from conception through final approval. It includes good flowcharts and active links to application forms, underlying codes, and other supporting information. The following are minor recommendations to ensure the document is up to date and readily available:

Recommendations:

1. Place a link to the document on the Community Development main page. It is difficult to find the current link.
2. Ensure that all staff members know they are authorized to distribute copies of the Development Guide and know where to direct customers to obtain an electronic copy.
3. Add to or create additional visual process flow charts in the Development Guide:
 - a. Insert a new high-level flow chart for the overall development process encompassing the five elements listed on page 1 of the Guide.
 - b. Revise Chart 5.4: add more detail regarding the certificate of occupancy (CO) process to include all of the approvals that may be needed for a CO – engineering, zoning, Fire Marshal, building, and third party certifications such as energy code and County health inspection.
 - c. Add flow charts for the minor plat and the lot joinder processes.
4. Page 2: The link to the “DRC Meeting Request Form” worked, but manually locating the form on the website was difficult; create a more prominent link.
5. Page 7: The allowable exceptions to platting are not discussed.
6. Page 7: Typo in Section 4.2 – preamble refers to a list of “three” items, but the list contains five items.
7. Page 8: The last line refers to an effective date of July 5, 2011, for the Joinder Lots code, but the revision date of the Development Guide precedes that date (January 25, 2010). Ensure that the most recent version of the Development Guide is linked on the website and/or update the revision date.
8. Page 10: The link to “Agreement with Developer for Construction of Public Improvements” indicated the file could not be found.
9. Page 16 and following: The Building Division is referred to as the “Permits and Inspections Divisions”.

M. Application Forms

Discussion:

The application forms available on the City website were reviewed with the following observations and recommendations:

Recommendations:

1. Planning Division Forms:
 - a. All forms contained a revision date.
 - b. Most forms contained a statement that applications are “conditionally” accepted under the presumption that the application is complete; this is a good practice as it speeds the review and avoids rejection of applications that are incomplete due to minor issues. The “conditional” statement should be added to all forms from which it is missing.
 - c. Most forms contained an application checklist and submittal requirements. Checklists should be added to the remaining applications.

- d. Most forms are still labeled as “Engineering and Planning Department”. The forms should be updated to reflect “Community Development Department/Planning Division”.
 - e. The Single family Site Plan Application has a complete preamble section including: “Application Submittal”, “Application Processing”, “Time”, and “Appeals” sections. All forms should be updated to include this full preamble.
 - f. The last page of the attachment to the Site Plan Application contains a fee schedule that indicates it expired on May 31, 2010. The attachment should be updated.
 - g. Application for Zoning Verification – consider eliminating the \$25 fee. Payment of this fee is likely a nuisance for customers and the loss of revenue from this fee should be insignificant.
 - h. Update all forms to a “fillable forms” format to allow customers to type in the information instead of hand-writing. Frequent customers will also be able to save recurring information.
 - i. The checklists attached to the Single family Site Plan Application the Site Plan Application contains a requirement to submit exterior building materials and colors. MDP does not find a code basis for requiring this information to be submitted.
2. Engineering Division Forms
 - a. All forms contained a revision date.
 - b. The forms contained an application checklist and submittal requirements.
 - c. The forms should be updated to include an appropriate preamble section as discussed in the Planning recommendations above including: “Application Submittal”, “Application Processing”, “Time”, and “Appeals” sections and a conditional acceptance statement.
 - d. The forms are still labeled as “Engineering and Planning Department”. The forms should be updated to reflect “Community Development Department/Engineering Division”.
 - e. Update all forms to a “fillable forms” format to allow customers to type in the information instead of hand-writing. Frequent customers will also be able to save recurring information.
 3. Building Division Forms
 - a. The forms contained an application checklist and submittal requirements, where applicable.
 - b. Some of the forms are in a “fillable forms” format. All remaining forms should be updated to this format.
 - c. The forms did not appear to contain a revision date. Revision dates should be added

N. Website

Discussion:

Customers generally reported that the website was adequate for their needs; however, several items were noted as difficult to find.

Recommendations:

1. On the Community Development main page, prominent links should be displayed for:
 - “Schedule a Pre-Development Meeting”
 - Development Guide
 - Plan review checklists

- Inspection checklists
- Frequently asked questions/answers
- Approved tree and landscape list

VIII. Summary/Conclusions

During this evaluation, MDP first sought to ascertain and narrow the sources of customer concerns. The main topics identified as needing improvement include a difficult site plan review process with too many surprises, inconsistent building inspection practices, and a general desire to see the problem-solving attitudes of the department improved. These documented concerns formed the basis for the proposed vision statements and desired outcomes stated in this report.

During the evaluation, MDP also documented those processes and practices which already meet expectations. In general, the assessment indicates that process steps work well and are well documented and communicated. Problems occur more with execution and attitude than with systemic issues with the processes. Most customers believe the staff is knowledgeable and dedicated and appreciate their accessibility. Certain practices, such as accepting credit cards and allowing separate civil site plan permits, recognize an understanding of the business process needs of customers. Processes managed by the Engineering Division were frequently cited as flowing well with fewer surprises. Few customers reported interaction with the Code Enforcement Division with no problems cited other than a belief that more staffing is needed to meet growing expectations for the Division.

A series of vision statements and desired outcomes for the performance of the Community Development Department were synthesized from observations and comments from City Council, management, and customers. Overall, the community is proud of the higher standards being achieved within the City. There is little desire to reduce requirements, but there is a strong desire to enhance the problem-solving and collaborative attitudes of the Department. Benefits of this cultural shift would be fewer complications and less time to complete projects, better and more consistent communication, and less demand for City Council involvement in resolving complaints.

An additional component of the evaluation involved the benchmarking of several workload measures against comparable regional cities. These benchmarks were utilized to gain further insight into the issues that are forming current opinions of the Department. The benchmarks were useful in corroborating site plan review and workload observations, engineering staffing observations, and building plan review, inspections, and permitting opportunities. The results of the benchmarking exercise were incorporated into the report's recommendations.

The end result of this work was the preparation of recommendations that seek to address the vision statements, customer and employee perceptions, and the benchmarking data. The recommendations start with high-level organizational culture, communication, and customer relations suggestions designed to lay a strong foundation of trust between the Department and the development community. These are followed by more specific operational recommendations for each division, plus the Fire

Marshal's office. More technical recommendations are provided for the Development Guide, application forms, the website, and possible software enhancements. Finally, recommendations are provided for Zoning Ordinance and Subdivision Code modifications to bring these documents more in line with the vision and desired outcomes.

Going forward, MDP encourages staff to operate with the attitude of working with, and not against, applicants, customers, and owners. To facilitate accountability, staff should report progress toward implementing these recommendations no less than quarterly for the first year after adoption of this report.