MOTIVATIONAL MEMORANDUM:

REZONING

Erf 1883 Parkhurst

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REZONING OF ERF 1883 PARKHURST

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1. SUMMARY OF APPLICATION

The application is submitted in terms of the City of Johannesburg Municipal by-laws read together with the Spatial Planning and Land Use Management Act, 2013 for the amendment of the Johannesburg Town Planning Scheme, 1979. The purpose of the application is to acquire the necessary rights on Erf 1883 Parkhurst, to allow for the proposed rezoning of the property from "Residential 1" to "Business 4" for offices and showroom.

2. GENERAL INFORMATION

The general information concerning the subject property is described below:

2.1. Locality

The property is located at no. 14 2nd Street Parkhurst. Erf 1883 Parkhurst measures 496m².

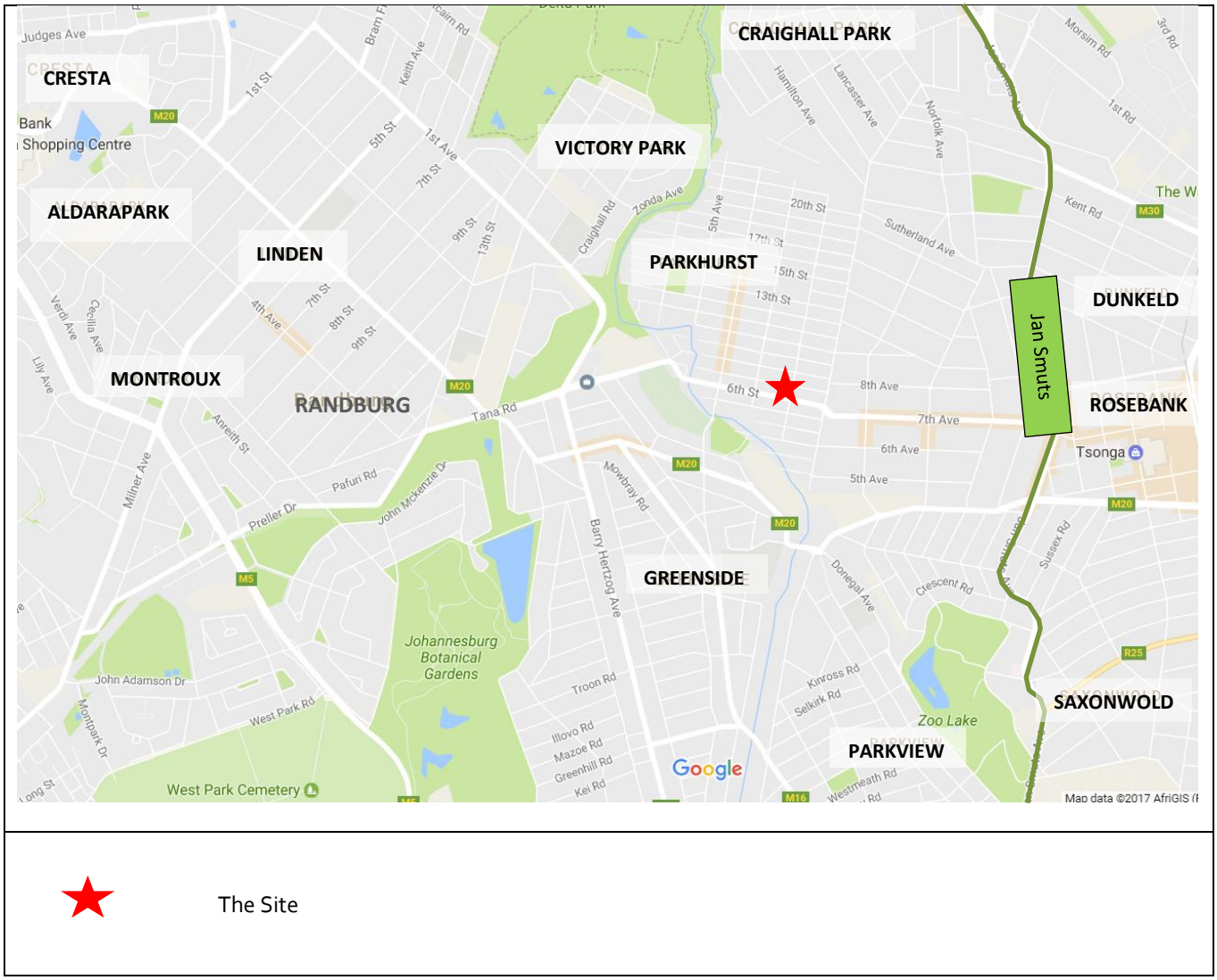

Figure 1 : Locality

3. LEGAL DETAILS

The legal details of the property are as follows :

3.1. Ownership

The property is under ownership of Kadoro Events & Communications (Pty) Ltd, under Title Deed number T41214/2011.

3.2. Mortgage Bond

There is a mortgage bond on the property held under Mercantile Bank Ltd. The bond holders consent is attached to the application.

3.3. Title Restrictions

There are no title deed restrictions negatively affecting the proposed development on the property.

4. SURROUNDING AREA

The details of the surround area as follows :

4.1. Land Use

The subject site is situated along 6th street Parkhurst, as seen below on the map. The land uses along the road support the functionality of the road, and the land uses comprise of uses which interact with the high flow of traffic along the road. The different uses surrounding the subject site are illustrated on the land use map below:

Figure 3 : Land use map

4.2. Surrounding Zoning

The zoning of the site and its surroundings are illustrated below. The map indicates that the property is surrounded by a mix of zonings, with residentially zoned properties concentrated to the northern side of site. The site is currently zoned "Residential 1".

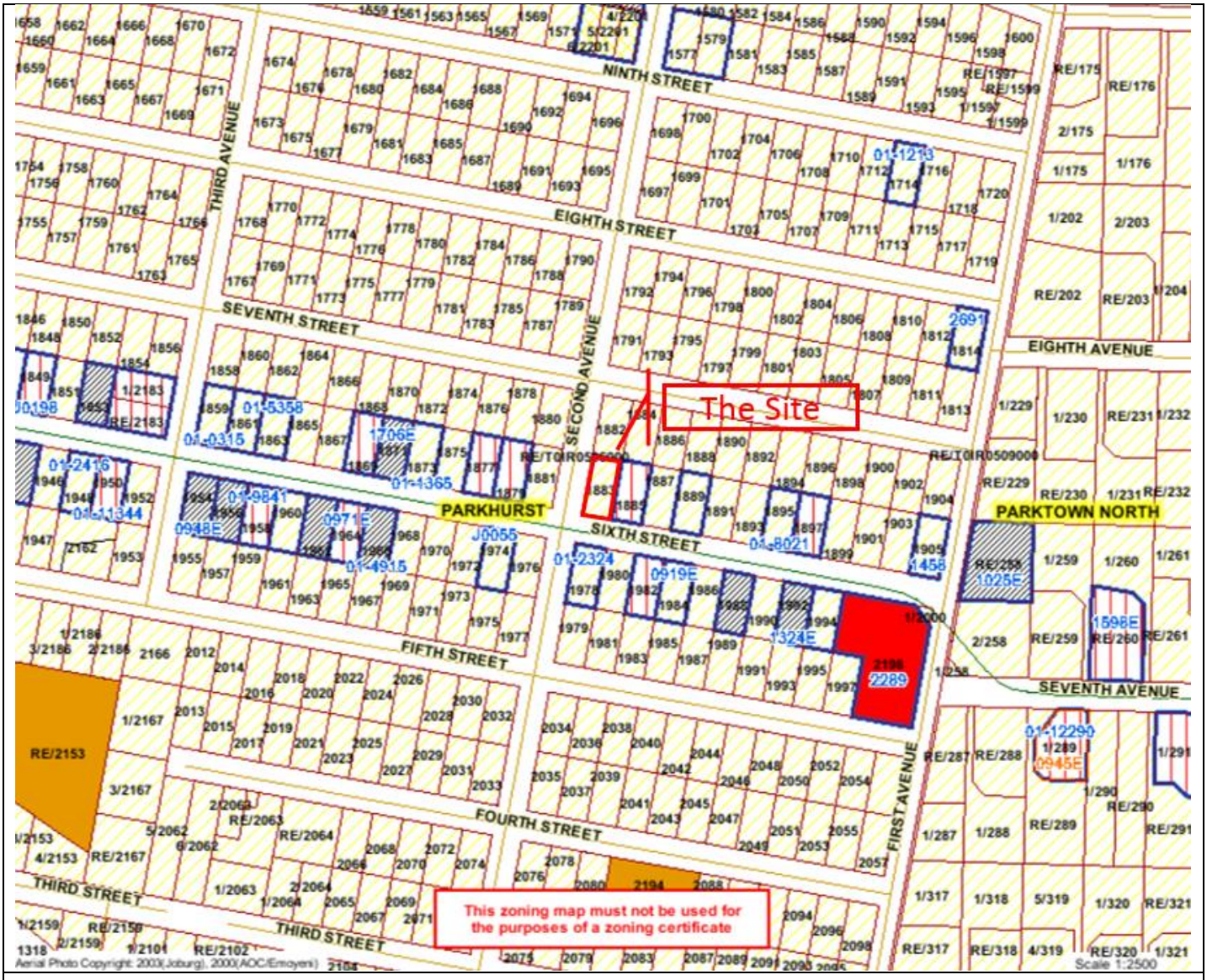

Figure 4 : Zoning map

5. LAND USE RIGHTS

The details on the current and proposed land use rights are as follows :

5.1. Current Land Use Rights

As per the attached zoning certificate, the site has the following zoning in terms of the Johannesburg Town Planning Scheme, 1979:

Development Control	**Limitation**
Zoning	"Residential 1"
Primary Rights	Dwelling Unit
Floor Area	1.2
Coverage	60%
Height	3 storeys
Parking	As per Scheme

In terms of the Johannesburg Town Planning Scheme, 1979, "Residential 1" has the following rights:

Primary Rights	Secondary Rights
Dwelling House	Place of Public Worship, Place of Instruction, social halls, institutions not essentially for office or administrative use, special buildings, sport and recreational clubs, public or private parking areas, medical consulting rooms other than for veterinarians.

According to the Johannesburg Town Planning Scheme, 1979, the current rights held against the property do not allow for the use of showrooms and offices.

5.2. Proposed Land Use Rights

Application is hereby made for the following land use rights : .

Development Control	**Limitation**
Zoning	" Business 4"
Primary Rights	Offices Showroom
Floor Area	1.0
Coverage	60%

Height	2 storeys
Parking	3 bays per 100m²

5.2.1. Parking

Parking is according to the requirements of the scheme, and all parking will be subject to on site parking.

5.2.2. Access

Access will be granted from 2nd and 6th street Parkhurst.

6. ENGINEERING SERVICES

The impact on sewerage, storm water and traffic on the development is not expected to cause any capacity change to the provision of these municipal services, as the development is existing and the current infrastructure is expected to be sufficient for the proposed development. However, the final feedback on the requirements of any of these reports will be indicated by the City of Johannesburg Metropolitan Municipality.

7. MOTIVATION

The proposed development aims to amend the current rights on the property to allow for a showroom and offices. The subsequent section of the report gives the motivational account and merit for the application by addressing mainly, the need and desirability of the proposed development.

7.1. Previous Application

There has previously been an application submitted to the City of Johannesburg, for the subject property (Ref: 01-7234).

A rezoning application proposed to amend the land use rights on Erf 1883 Parkhurst from "Residential 1" to "Special for offices (excluding banks, building societies and medical suites) with a secondary right for a clothing shop only.

The application was submitted on the 15 November 2006, and approved on the 14 April 2010. The process was however not completed, as the application has not yet been promulgated, as such the current land use is contrary to the scheme.

The previous application did not have "showrooms" included as a primary right, therefore necessitating the submission of this application to incorporate the use on the property. The previously approved application is to be withdrawn from the system, as its concurrent running along with the present application may cause confusion.

Furthermore, the previous application's request for the secondary rights for clothing shop, are no longer required by the client, as the client would now like to utilize the property for office and a showroom.

7.2. Need

This application seeks to rezone the property to allow for the legal use of offices and showrooms. The area of Parkhurst is a small but dense suburb. The area mainly retains a residential character however there are two main business roads, on 4th Avenue which has a strip of small restaurants, cafes and décor, design, antique and service shops; and 6th Street, which is quickly becoming converted into a design, décor, art and small business nub.

The proposed development is situated along 6th Street, and falls in line with the established character of uses along the road. The current rights held on the property for "Residential 1", has fallen out of character with the spatial planning of the area, as at present day, most of the properties along the 6th street road have converted from "Residential 1" to uses that are income generating, and more towards the creative industry.

7.3. Desirability

The property falls within Administrative Region B, sub area 10, of the 2010/2011 City of Johannesburg Regional Spatial Development Framework (RSDF). According to the development guidelines in the area, sixth street is a mobility road and a proposed BRT route, therefore the City intends to ensure that the uses located along the road are coherent with the amount of traffic that is generated by the road. The proposed use for offices is allowed by the RSDF along 6th street, and therefore aligns perfectly with the City of Johannesburg's development vision of the area.

The City of Johannesburg Spatial Development Framework 2016 (SDF), has demarcated the area to fall within the Consolidation Zone. This area is considered as the focus of urban consolidation, infrastructure maintenance, controlled growth, urban management, addressing backlogs in social and hard infrastructure, and structural positioning for medium to long-term growth. The City therefore intends to strengthen the already built-up suburban areas, and establish a linkage between the lower to medium density suburbs with the higher density intensive areas through transit infrastructure. The SDF gives direction for the formulation of more detailed strategic frameworks such as the RSDF, Urban Development Frameworks and Precinct plans. However, the SDF finds a balance in the detail it provides for its implementation, and is not overly prescriptive to the point that it inhibits creative and meaningful action. It is in that interpretation, that for this specific area, the City's RSDF encourages mixed land uses along this mobility road, having had taken into consideration the principles of the SDF and the current dynamics of the subject area. The RSDF therefore permits land uses such as offices, showrooms, galleries, spas, creative design studios and the other similar uses along this road, because it has seen a need and relevance to have the uses located along the 6th street mobility road.

Sixth street, as a mobility road, constitutes a crucial component in ensuring the future vision of the City of Johannesburg is realized, as it plays a role in facilitating the spatial movement from lower to higher densities. It is not ideal to have the current zoning of "Residential 1" along this street, as the land use is no longer relevant nor aligned with the intended role of the street to the larger spatial context. It is important to have uses complimenting the mobility road, such as the one proposed, as this area has a larger quantity on traffic flowing

through, which can be an advantage for economic generation, however, a disadvantage in offering the quiet tranquility which a person would want to have in their home.

7.4. Spatial Development Principles

The proposed development takes into consideration the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013)

SPLUMA Referral		Proposed Development Compliance
7 (a)	Spatial Justice	The notion of spatial justice is addressed in this application, as the proposed development intends to bring transform the current use allowed on the property, to one which is more in line with the area, and works towards achieving the objective of the future planning policy.
7 (b)	Spatial Sustainability	The application adheres to the principle of spatial sustainability, as the proposed land-use promotes land development in a location that is sustainable and limits urban sprawl
7 (c)	Efficiency	The land development optimizes the use of existing resources and infrastructure in the area.
7 (d)	Spatial Resilience	The principal of spatial resilience is adhered to in the application, as the proposed development does not deviate from the future spatial planning policy for the area.
7 (e)	Good Administration	This application is in line with the governmental policy affecting the spatial development of the area and does not deviate from it.

8. CONCLUSION

The previous application was already approved for office rights, and it is in our opinion that this current application proposing office rights on the property, should not cause obstruction to the future planning of the area, and should in turn also be approved by Council. However, we understand this will be subject to the opinion of Council.