MOTIVATIONAL MEMORANDUM:

REZONING AND REMOVAL OF TITLE RESTRICTIONS

ERF 708 PARKTOWN NORTH

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MOTIVATIONAL MEMORANDUM:

REMOVAL OF RESTRICTIONS AND SIMULTANEOUS REZONING

ERF 708 PARKTOWN NORTH

FOR

HIS PEOPLE CHURCH JOHANNESBURG

KiPD

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1. INTRODUCTION

KIPD have been appointed by the owners of Erf 708 Parktown North (hereafter referred to as the "subject property"), to apply on their behalf in terms of Section 5 (5) of the Gauteng Removal of Restrictions Act, 1996 (Act 3 of 1996), read together with the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), to the City of Johannesburg Metropolitan Municipality for the removal of conditions from the title deed and the simultaneous rezoning of the subject properties to "Special" for a Place of Public Worship and Place of Instruction, including a coffee shop, a shop, social halls, and offices which are subservient and related to the Place of Public Worship

Erf 708 Parktown North is the consolidation of Portion 1 of Erf 296, the Remainder of Erf 296, Portion 1 of Erf 325, Portion 1 of Erf 326, the Remainder of Erf 326, Portion 1 of Erf 327, all of Parktown North.

The report provides relevant information in support of the application and addresses the need and desirability for the proposed uses.

2. GENERAL INFORMATION

The general information concerning the subject properties are described below:

2.1 Ownership

The property is under ownership of His People Church (Johannesburg), held under the following Title Deeds:

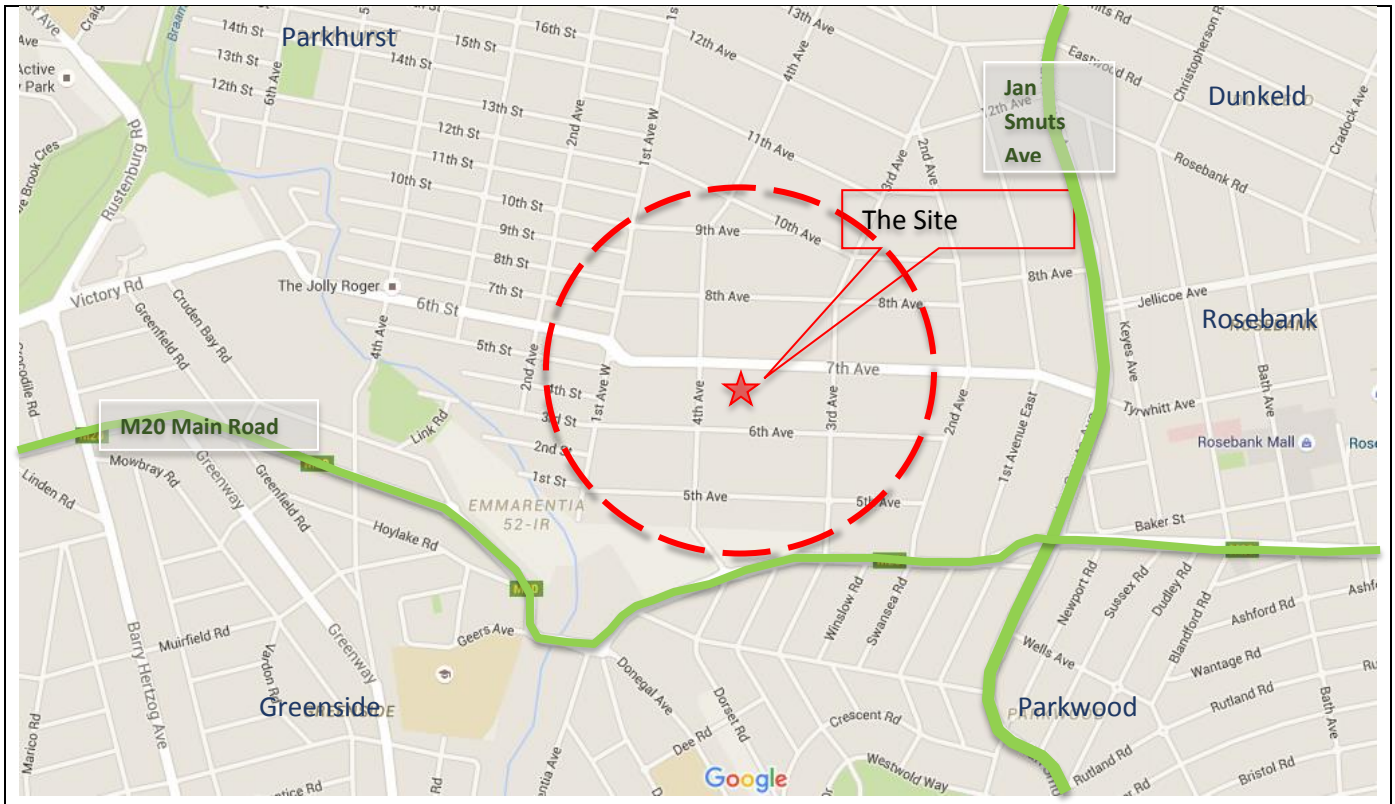
Property Description	Registered Owner	Extent (m^2)	Title Deed
Erf 708 Parktown North	His People Christian Church (Johannesburg)	7647 m^2	T34523/2017

2.2 Mortgage/ Bonds

There are no bonds registered against the property. His People Church have successfully paid off the bond from ABSA bank. See attached letter confirming full payment of the bond.

2.3 Locality

The subject property are located in Parktown North, which is located in the northern suburbs of Johannesburg, east of Greenside, south of Parkhurst and west of Rosebank. The subject properties are located on the western side of Jan Smuts Avenue and north of the M20 main road running from Melrose, through to Greenside, in the block bordered by 6th and 7th Streets and 3rd and 4th Avenues. The sites can be found on 20 7th Ave, 16 4th Ave and 19 6th Ave Parktown North, respectively.



LEGEND	
The Site ★	KiPD

The following map provides a closer look at the location of the subject site with the City of Johannesburg aerial photograph.

LEGEND

The Site

2.4 Current and Surrounding Land Use

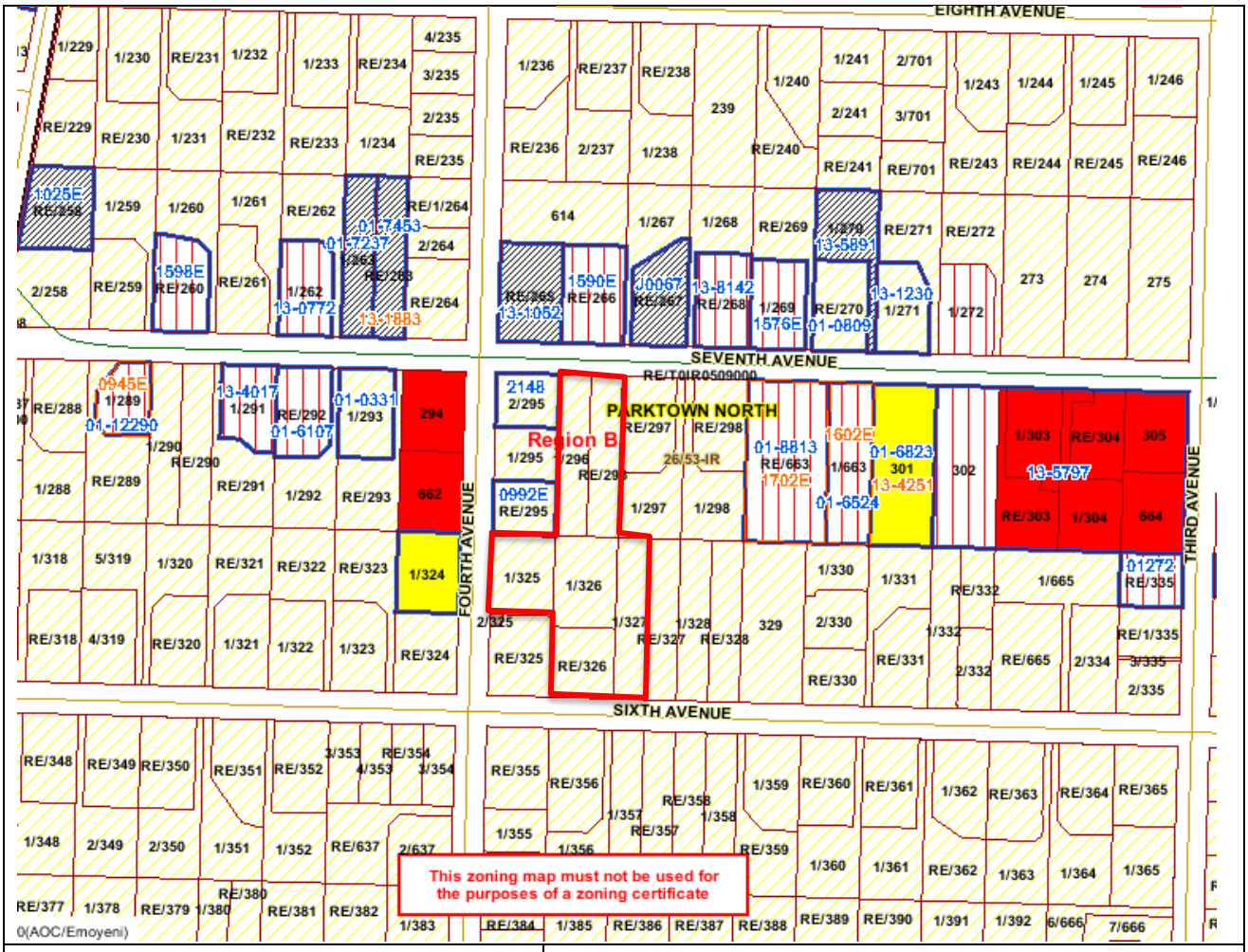
There is currently a church with related offices on the property as well as a nursery school (crèche). The land uses on the surrounding areas are shown below :

LEGEND

The Site

2.5 Zoning Map

The zoning of the site and its surroundings are illustrated below:



LEGEND

- The Site
- Business 3
- Business 1
- Special (mainly for offices)
- Residential 1
- Residential 3

2.6 Current Land Use Rights

In terms of the Johannesburg Town Planning Scheme 1979, the current zoning of the sites are "Residential 1", and the zoning controls are as follows:

Development Control	Limitation
Zoning	Residential 1
Floor Area	1.2
Coverage	40% for three storeys 50% for one and two storeys
Height	3 Storeys
Density	1 du/1000m²
Building Lines	6m along all street boundaries

2.7.1 Approved Consent Use for Place of Public Worship

On 3 March 1976 (reviewed on 7 September 1978 and 22 September 1988) the Johannesburg Municipality approved an application for consent use for a Place of Public Worship on the Remainder of Erf 296, Portion 1 of Erf 325, and Portion 1 of Erf 326 Parktown North.

2.7.2 Approved Place of Instruction

On 13 August 2015, the City of Johannesburg approved a consent use for a Place of Instruction (Creché) on the Remainder of Erf 326 and Portion 1 of Erf 327 Parktown North a Place of Instruction with certain conditions.

2.7 Proposed Land Use Rights

Application is hereby made for the following development controls:

Development Control	Limitation
Zoning	"Special" for place of public worship and place of instruction, including a coffee shop , a shop, social halls and offices, which are subservient and related to the place of public worship.
Height	As per scheme- Height Zone (0) 3 storeys
Consent	None
Floor Area	As per scheme- 0,4
Coverage	As per scheme- 60%
Parking	As per scheme

2.8 Removal of Restrictions on Conditions of the Title Deeds

Application is also hereby made for the removal of condition numbers 2. from Deed of Transfer no. T34523/2017, which reads :

The property shall be for residential purposes solely and that no business can be carried on, no shops, canteens, hotels, bottle stores, slaughter poles, piggeries, or dairies can be kept or will be allowed thereon.

The removal of restrictive condition (1) on Deed of Transfer no. T28545/2009 for Remainder of Erf 326 Parktown North, was approved by the City of Johannesburg on 13 August 2015, under file reference number 13/2205/14. This condition must still be physically removed from the title deed by the Deeds Office.

Notarial Tie

Portion 1 of Erf 296, Remainder of Erf 296, Portion 1 of Erf 325, Portion 1 of Erf 326, and Portion 1 of Erf 327 Parktown North are all notarially tied under title deed T47487/1999, and will more fully appear in Notarial Tie Agreement No K814/19928 dated 10 April 1992 and registered on April 1992.

2.9 Access

Access to the site is a one way system from 20 7th Avenue and out through 16 4th Avenue, therefore acting as a one way drive through.

2.10 Parking

All parking shall be provided on site as per the ratios stated in the following table. Currently there are 144 parking bays on the site, see attached site plan.

Land Use	Parking Requirement	Usage of the parking
Place of Public Worship	0.15 bays per seat	As per Scheme. Parking for the subservient uses will be included within the parking provided for Place of Public Worship as the same members of the public and patrons of the church that are entering the premises for church purposes, will be the same people using the subservient land uses. The amount of activity carried on by churches varies considerably, however the majority of the parking bays will be used on Sundays when people attend Sunday service. During the week parking is utilized by church staff and community members.
Place of Instruction	1 bays per 100m²	As per Scheme.
Nursery School / Day Care / Creché	0.25 bays per child plus 1.0 per trained staff member	

2.11 Engineering Services

A detailed electricity demand calculation report will be provided.

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. This is due to the fact that the development is existing and the current infrastructure is sufficient for the facility on the site and will be optimally used.

3. MOTIVATION

3.1 Need for the applications

The main aim of this application and the consolidation of the erven is to create a more coherent and administratively clean site. Erf 708 Parktown is the consolidation of being the consolidation of Portion 1 of Erf 296, the Remainder of Erf 296, Portion 1 of Erf 325, Portion 1 of Erf 326, the Remainder of Erf 326, Portion 1 of Erf 327, all of Parktown North.

Some of the properties (pre-consolidaion) have been notarially tied, but not all, and each site received a separate utility and rates account from the City. Cancellation of the notarial tie and registration of one consolidated site eases administration and result in a coherent development.

The consents for the place of instruction have been given on Remainder of Erf 326 and Portion 1 of Erf 327. And consent of the place of public worship have been given on Remainder of Erf 296, Portion 1 of Erf 325, and Portion1 of Erf 326. However, all six properties are being utilized as one coherent land use, with access and parking spread over all six sites.

The nature of the development is no longer conducive to a “Residential 1” zoning and the owners are seeking to rectify the situation.

3.2 Need for Place of Public Worship

The church in many communities is viewed as the central institution which assists in providing a moral foundation and community awareness, as well as aiding the members of the community and assisting the poor and the youth. Churches help in enhancing social upliftment that in turn generate support of developing other parts of the community such as economic empowerment, educating its community members, and acting as a pulling force for community members to congregate positively in one space.

Faith-based organizations have for many years acted as a positive and respected institution in society. This is because the proximity of churches to the community have for many years assisted firstly, the municipal government, by bringing social services that would otherwise need to be provided by the municipal government to the people, such as awareness on health and community building activities. Secondly, faith-based organizations have lended a hand in providing a sense of community in neighbourhoods and provided significant intangible benefits, both short-term and long-term.

Having churches in urban locations in the 21st century have been shown to allow for a more effective potential for community outreach programs, and enhance accessibility to a space where people can easily visit to restore their sense of peace. For many centuries in planning, the church and other religious landmarks have been used as a central meeting place, where knowledge can be imparted on community members of the certain developments occurring in the community. And that same tradition has been carried forward to present times, whereby it is still important for a place of worship where people with the same spiritual values can come together and work towards building a community and positively impacting their surroundings.

Therefore by providing the relevant land use rights for the existing facility, thereby allowing it to prosper and grow within the community will inevitably foster positive results and leave a positive impact on the community in which it serves. This facility aims to provide halls to different groups to congregate and hold social functions at the church, which aid in community building, and also provide a nursery school where the community members can bring their children and have the sense of assurance that they are well taken care of within close proximity.

3.3 Desirability for Place of Public Worship

Planning authorities around the world presume that places of worship should be accommodated in residential areas, as they are a positive addition to neighbourhoods, due to the fact that the presence of faith-based organizations contribute offsetting benefits to the public health, safety and welfare of the area. In addition they form a right to freedom of religion, which every member of society should be entitled to and should be able to access with ease.

- Influence on the stability of the neighbourhood: churches provide a sense of stability and most families find this aspect desirable due to the powerful influence the church presents. The presence of honorable, hard-working, faith motivated homeowners helps to preserve order and stimulate legitimate enterprises.

- Impacts of property value: An example of an over-improvement element in a residential property is the presence of a church. This is because churches have an aspect of improving the appearance and desirability of the neighbourhood.

- Tolerance and Religious diversity: Places of public worship promote tolerance in societies. And the presence of multiple religious organizations in an area allows the community members to be exposed to different religious practices and promote understanding and enhancing community tolerance. The existence of the His People Church (Johannesburg) as one of the faith-based organizations found on 7th Avenue enhances religious tolerance and diversity in the area.

3.4 Need for Place of Instruction

Place of instructions provide guiding principles in communities by equipping the students with the necessary skills and information for them to function actively in their societies. The provision for place of instructions in residential neighbourhoods more especially those offered at an elementary level therefore becomes essentially important for parents looking to enroll their children in good schools which are located at a closer distance to home. The lack of accessible, affordable and appropriate childcare facilities in the neighbourhood can therefore be an inconvenience to parents and defer people from investing in property therein. Access to quality child care services in particular within the local community, has been found to contribute to the social, emotional and educational development of children, and also long-term economic benefits to the parents.

The importance of offering a place of instruction in the form of a nursery school, by the His People Church (Johannesburg) therefore acts in benefiting the surrounding community. The nursery school is accessible through all forms of transportation, catering not only to parents travelling by private motor vehicles, but the site is also located close to public transportation, the proximity to the residential neighbourhood may also mean other parents may choose to walk their children to school.

In residential areas nursery schools have been known to generate noise especially for the immediate surrounding neighbors, however it is to be noted that the His People Church (Johannesburg) have voluntarily provided measures to constrain the noise by erecting noise reducing measures on their boundary walls.

3.5 Desirability of a Place of Instruction

Most parents look primarily for the element of safety and proximity when they determine which nursery school they want to take their children. They also want the best educational foundation for their children, and may feel that this service is best offered at faith-based institutions.

The proximity of the His People Church (Johannesburg) Crèche to the residential area is ideal, as most parents with young children in the area are able to access the facility easily and drop off their children while on their way to work.

3.6 Desirability in terms of the RSDF

In terms of the Johannesburg Regional Spatial Development Framework (RSDF) for Region B which covers Parktown North, the development of this nature is not out of line with what is being proposed on the seventh street mobility spine.

The RSDF development strategy for Sub Area 15 covering Parktown North aims to enhance the integrity and ambience of the Sub Area and promote residential densification in strategic locations.

- In Parktown North particularly the RSDF states that in order to achieve this strategic goal, the relaxation of parking requirements on Seventh Avenue, Parktown North is not permitted. Our application adheres to this goal as all parking is to be provided on site.

- Another strategy proposed requires that there should be no non-residential uses on pan handles on Seventh Ave, Parktown North. The His People Church aligns with the provisions of this clause.

- Furthermore the RSDF aims to support offices in existing structures, with a maximum F.A.R of 0.25 fronting on Seventh Avenue.

- Support business uses within existing structures, such as medical consulting rooms, place of instruction, hair salon, restaurants, and other related uses the Local Authority may permit on erven fronting Seventh Avenue, Parktown. In the case of the His People Church (Johannesburg), no new infrastructure is being proposed at this point. The coffee shop and shop proposed, that are subservient to the primary use of the premises have existing structures which they will be functioning from.

- Furthermore the Sub Area aims to contain the existing neighbourhood node. And this will be done by promoting mix-use (commercial/ residential) at the neighbourhood node on the intersection of Seventh Avenue/ Third Avenue in Parktown North. By providing a Place of Public Worship and a Place of Instruction in this area, this development will in fact be contributing positively to the mixed use characteristic of the Seventh Avenue node.

3.7 Public Interest

We believe the His People Church (Johannesburg) provides a positive influence to its surrounding areas. The church advocates for inclusion and upliftment and further fosters a good relationships between members of society. More specifically the proposed development adheres to the intended development strategies of the city to bring a mixed use development which will benefit the public by bringing relevant non-residential uses closer to the residents.

3.8 SPLUMA 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 locality of the proposed development is situated along the Seventh Street development node which has constant activity occurring on the street, therefore spatially it is a development which is not out of place with its surroundings. It also serves as a positive inclusion to the area as it is located close to residential areas and residents can congregate as part of a community on this property and access the facility within close proximity.
7 (b)	Spatial Sustainability	The property allows for multifunctional community activities to be held on site. This therefore adheres to the spatial sustainability element, because the church provides the convenience of accessibility to resources for members of the community and staff members.
7 (c)	Efficiency	The rezoning of this development will be followed by a consolidation application which advocates that all the erven be merged into one stand. This in turn means that the public provision of bulk services will be provided from one source. This will improve the service provision from what is currently occurring on the site.

7 (d)	Spatial Resilience	Not applicable to this development
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. Furthermore no non-residential uses on panhandles are being proposed, as the intention will be to consolidate the separate stands into one erf.

4. CONCLUSION AND RECOMMENDATIONS

Johannesburg is moving towards creating compact cities/towns, and the purpose of this is to minimize urban sprawl and to enhance accessibility to resources with convenience. We believe the nature of the development proposed on the subject site works hand in hand with achieving this vision, as it provides an incremental step towards a compact city.

We therefore request that this rezoning application be approved as it has great potential in benefiting the owners as well as residents in the nearby surrounding areas.