

MOTIVATIONAL MEMORANDUM:**Rezoning application****for****Erf 2046 Mayfair****on behalf of****Smartseat Repair CC**

Date	23 March 2021
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INTRODUCTION

The purpose of this memorandum is to introduce, elaborate upon and motivate the application for rezoning in respect of Erf 2046 Mayfair.

The full extent of the application is set out in this memorandum, which comprises of the following:

- ❖ Chapter 1: General Information
- ❖ Chapter 2: The Application
- ❖ Chapter 3: Policy Environment
- ❖ Chapter 4: Motivation
- ❖ Chapter 5: Conclusion

1. GENERAL INFORMATION

KiPD (Pty) Ltd, the authorised agent, has been appointed by Zerina Richards, the registered owner of the property, to lodge an application for the rezoning of Erf 2046 Mayfair to allow for the property to be used for business purposes (currently a hairdresser and health and beauty spa). The property will be referred to as “the site”, “the subject properties” and/or “the proposed development” in this memorandum.

1.1. THE APPLICATION

Application is hereby made in terms of Section 21 of the City of Johannesburg (CoJ) Municipal Planning By-Law, 2016, hereinafter referred to as the “By-Law”, read together with the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), for rezoning of the erf.

1.2. AGENT AND CLIENT

1.2.1. Agent

The authorised town planning agent acting on behalf of the client is:

Name	KiPD (Pty) Ltd
Responsible Persons	Saskia Cole
Postal Address	47 Third Street, Linden, 2195
Contact Number	011 888 8685 / 082 574 9318
Email	saskia@kipd.co.za

1.2.2. Client

The client's details are as follows:

Name	Saliem Richards
Contact Number	083 436 4100
Address	25 7 th Avenue, Mayfair
Email	saliem@smartseatrepair.co.za

1.3. LAND DEVELOPMENT AREA

1.3.1. Site Locality

(Annexure A: Plan 1 and 2)

The property is located at no 23 7th Avenue Street, Mayfair. Mayfair is located south of Brixton, east of Mayfair West and Homestead Park, north of Amalgam and Crown North and west of Fordsburg.

1.4. LEGAL ASPECTS

1.4.1. Ownership

In terms of Deed of Transfer T25445/2016, the property is registered in the name of Zerina Richards and measures 248 m².

1.4.2. Power of Attorney

The registered owner has provided a signed power of attorney to enable KiPD to submit a formal application as per the requirements of the CoJ Municipal Planning By-Law, 2016.

1.4.3. Restrictive Title Conditions

There are no conditions contained within the Deed of Transfer restricting the use of this property for business purposes.

1.4.4. Registered Mortgage Bonds

There is no mortgage bond registered against the property.

1.5. EXISTING LAND USE

The property is currently being used as a hair dresser and health and beauty spa. Beauty treatments such as massage treatments, facial, waxing, laser, manicures, pedicures etc are offered.

1.6. SURROUNDING LAND USE

(Annexure C: Land use plan)

Mayfair is predominantly a residential suburb, with home industries and home run business prevalent throughout the suburb. Other uses scattered around the subject site include house shops, educational, religious, medical and other community facilities.

1.7. EXISTING ZONING AND DEVELOPMENT CONTROLS

(Annexure D: Zoning Certificate)

In terms of the City of Johannesburg Land Use Scheme, 2018 (Johannesburg Amendment Scheme 13-12907, as approved in 2014), the property is currently zoned as follows:

Zoning	Residential 4
Primary rights	Dwelling units and Residential buildings
Secondary rights	Religious purposes, places of instruction, child care centre, social halls, institutions, special buildings, sport and recreation clubs, public or private parking areas, medical consulting rooms, guest house, tavern / shebeen.
Floor Area	1.2
Density	1 dwelling unit per erf
Coverage	50%- 1 and 2 storeys 40% 3 storeys
Height zone	A - 3 storeys
Building Lines	As per scheme: 1m street boundary

1.8. SURROUNDING ZONING

(Annexure E : Surrounding zoning plan)

In terms of the City of Johannesburg Land Use Scheme, 2018, most of the surrounding the site are zoned as "Residential 4" Some properties have been rezoned to allow for house shops and offices. Many properties within the suburb have not yet been rezoned to allow for the businesses run on the residentially zoned premises.

Properties rezoned to allow for business uses:

Property Description	Amendment Scheme	Use /Zoning
Erf 1794 Mayfair	01-1225	Res 4 Incl House Shop
Erf 2114 Mayfair	01-12378	Res 4 Incl House Shop
Erf 2072 Mayfair	01-13034	Res 4 Incl House Shop
Erf 2119 Mayfair	01-13871	Res 4 Incl House Shop
Erf 2128 Mayfair	01-17000	Res 4 Incl House Shop
Erf 1845 Mayfair	01-17445	Res 4 Incl House Shop
Erf 1696 Mayfair	710n	Res 4 Incl Offices
Erf 1782 Mayfair	822n	Res 4 Incl Offices

2. THE APPLICATION

2.1. PROPOSED ZONING

Application is hereby made for the following land use rights :

Zoning	Business 2
Primary rights	As per Scheme – dwelling units, residential building, places of instruction, business purposes, institutions.
Floor Area	As per scheme: 1.0
Density	1 dwelling unit per erf
Coverage	As per scheme : 100%
Height zone	As per Scheme : 2 storeys
Building Lines	As per scheme: 0 m street boundary
Parking	0.5 bay per 100m ²

2.2. PROPOSED LAND USE

In these uncertain economic times, application is made add land uses to the residential rights of the property, by adding business purposes, institutions and place of instruction. The property currently accommodates a hairdresser and health and beauty spa. The spa/hairdresser is a small business which offers beauty and authentic Thai massage treatments. The facility is exceptionally hygienic and clean.

Application is made for business purposes, under which a hairdresser and health and beauty spa fall. Additional rights included in the “business 2” zoning as applied for include institutions and place of instruction. Both these uses are community support uses and allows the owner of the property a wider array of opportunities as well as adds value for the future use of the property.

Currently, a portion of the residential house has been converted into treatment rooms to allow for privacy for the various treatments. The business works in a professional manner with an appointment only policy, thus, there is never a queue of cars or people.

In addition to the quality of the facilities in terms of professionalism, hygiene and cleanliness, there is also a security guard present on the premises.

There are numerous home-run beauty businesses run in the Mayfair region, however this specific facility stands out on account of its professionalism with highly trained therapist/s and the highest standard of hygiene are practiced.

2.3. PARKING

Properties in Mayfair, specifically Erf 2046 cannot offer on-site parking as the property is small. However, street frontage parking has been provided with shade netting. It is the norm in Mayfair for parking to be provided on street/pavement and this conforms to the Nodal Policy, 2020.



3. SPATIAL PLANNING ENVIRONMENT

In terms of Section 5(2) of the City of Johannesburg Municipal Planning By-Law, 2016 – “any land development application in terms of said By-Law shall be guided and informed by the City’s Integrated Development Plan and Municipal Spatial Development Framework as adopted and approved in terms of Section 20 of SPLUMA and Section 10 of said By-Law.”

This section therefore reviews all relevant spatial planning documents and plans, to determine the suitability and compliance to the spatial plans of the City.

The following spatial planning documents have been reviewed :

- City of Johannesburg Spatial Development Plan, 2040 (2016) and Nodal Review Policy 2019/2020; and
- Empire Perth Development Corridor Strategic Development Framework;

3.1. SPATIAL DEVELOPMENT FRAMEWORK 2040 AND NODAL REVIEW, 2020

The Spatial Development Framework 2040 (SDF) is a city wide spatial policy document that identifies the main challenges and opportunities for the City, sets a spatial vision for the future city and outlines a set of strategies to achieve that vision.

Along with providing a spatial vision, the SDF defines the strategic spatial areas to be used in the City's capital investment prioritisation model. This will ensure that infrastructure investment is directed to areas with the highest potential to positively impact on the development trajectory of the City as defined in the SDF.

In terms of the SDF, the subject property falls within the "Empire/Perth Corridors of Freedom Zone", as well as a "Metropolitan Node". This area is thus governed by the COF documentation, read together with the SDF regarding Metropolitan Nodes.

The Corridors of Freedom philosophy centres on the notion of high intensity development along strategic public transport routes, The subject property is located within the study area of the Empire/Perth Corridor, however no developmental interventions are proposed or offered for Mayfair or the subject Erf. Therefore, the policy cannot be applied to the proposed rezoning of Erf 2046 Mayfair.

The SDF allocation of Mayfair as a Metropolitan Node is thus the presiding policy. The SDF 2040, 2016 must be read with the Nodal Review, 2020, specifically with regards to nodes. The Nodal Review policy forms part of the SDF 2040 as an annexure. All nodes defined in the SDF 2040 or any existing RSDF, Precinct Plan or Urban Development Framework, will be replaced by the nodes and urban development zones defined in the Nodal Review.

In terms of the Nodal Policy 2020, the land use mix within a Metropolitan Node includes but not limited to commercial, residential, offices, retail, urban agriculture, public open space, recreation, community services, childcare, health care, and small scale non-polluting (including noise) urban manufacturing uses. Coverage should be high, up to 100%. Where parking is placed along a street frontage, it may not exceed 30% of the total street front. Direct pedestrian access to building from the street.

The proposed use wholly complies with the Nodal Review, 2020 in terms of land use diversification, as it is a service use in support of the residential development, street frontage parking and coverage.

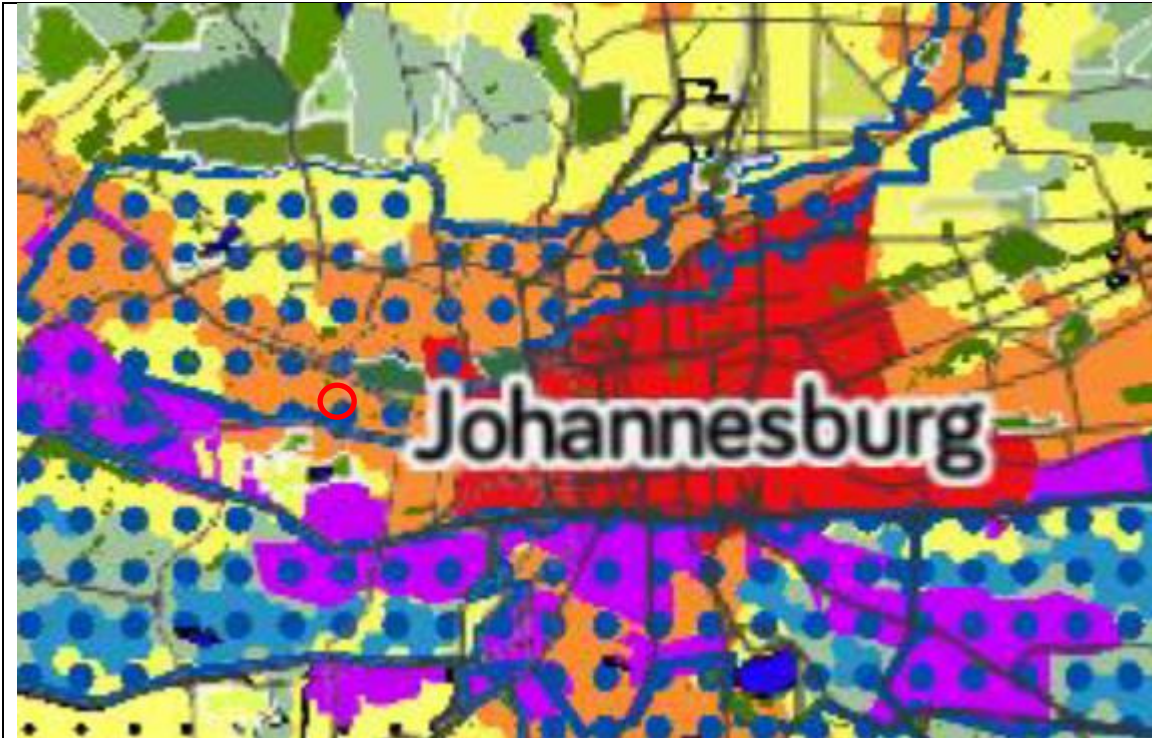


FIGURE 1: LOCATION OF SITE WITHIN EMPIRE/PERTH COF AND METROPOLITAN NODE

In terms of the SDF, a diversification of land plot sizes is essential to support a vibrant and sustainable land market and create a generative urban structure. Smaller properties fosters an active land market with a great potential of a future mix of uses and income levels. Over time, some plots will consolidate for large investors, whereas others will remain small subdivisions and provide opportunities for medium and small investors (SMMEs, home owners, etc.). Erf 2046 Mayfair is a prime example of this, as its small size of 248m² is prime for use by an SMME.

Based on the above, the proposed use for business purposes, an SMME, is ideally located within the Mayfair Metropolitan Node.

3.2. EMPIRE PERTH DEVELOPMENT CORRIDOR

The Empire Perth Development Corridor Strategic Development Framework is part of the City's Corridors of Freedom initiative, this being one of the ways in which the City aims to transform entrenched settlement patterns. The aim is to have access to opportunities and a choice for residents to work, stay and plan within the same space. Higher density infill development on underutilised land is one of the recommended methods of attaining this vision.

The subject property is located within the study area of the Empire/Perth Corridor, however no developmental interventions are proposed or offered for Mayfair or the subject Erf. Therefore, the policy cannot be applied to the proposed rezoning of Erf 2046 Mayfair.

4. MOTIVATION

4.1. NEED AND DESIRABILITY

Application is made for "Business 2" rights which include "Business Purposes". The property currently operates a hairdresser and health and beauty spa, which is not separately defined in the scheme.

A health and beauty spa is a use which has become an absolute need for people of all genders and ages. It is a grooming service which offers a wide array of services ranging from facials, waxing, laser hair removal, massage therapy, hair dressing, nail, hand and feet therapy, etc. Personal grooming and self-care have become a large part of peoples lives and this facility offers an exceptional experience.

The facility operating on the subject erf, Nadia's Thai Massage stands out from the other facilities in the Mayfair region due to its exceptional standards of hygiene, cleanliness and professionalism. Extra care has been placed into ensuring the facility offers high quality treatments and a pleasant experience for all patrons.

The nature of this business is to provide a serene experience for all its clients, thus no unruly noise permeates from the facility, all products are disposed of responsibly and no harmful chemicals are used in the facility which could become harmful to the surrounding properties.

The facility is professionally run and therefore works on an appointment only basis. Due to this, there is never a queue of people waiting to be seen to. Parking has been provided on the pavement, as is the norm in the Mayfair area. Shade netting has also been provided. Private security has been procured on the premises 24 hours a day, 7 days a week. This provides an additional layer of security for not only the subject property, but the surrounding properties as well.

Application has been made for Business Purposes, Place of Instruction and Institutions in addition to the existing rights of dwelling units and residential buildings. Institutions is a useful additional use to have within the Mayfair Metropolitan node, as it allows for religious uses, child care centres, welfare and charitable facilities, medical uses or even nursing home. Place of Instruction will allow for a wide array of educational facilities which can range from creche to adult educational centres. These are indeed community support uses and will add value to the area for future usage of the property.

Since this property is located within a metropolitan node, the usage of properties is encouraged for business uses. This must happen in order for the vision of a metropolitan node to be materialised. Mixed uses are encouraged, and non-residential uses are particularly encouraged within metropolitan nodes.

As indicated above, the proposed use will not hamper on the rights of neighbouring properties and will adds value to the area by introducing uses that do not exist and are needed within the area.

5. SPLUMA DEVELOPMENT PRINCIPLES

In terms of the Spatial Planning and Land Use Management Act (Act 16 of 2013) (SPLUMA), the following principles apply to spatial planning, land development and land use management and are hereby applied to this application:

SPLUMA Referral		Proposed Development Compliance
7 (a)	Spatial Justice	The development addresses the principle of spatial justice as it answers to the rectification of previous injustices by improving access to high quality community support services.
7 (b)	Spatial Sustainability	The principle of spatial sustainability is addressed in the fact that the development is being implemented in an area that is considered viable for the development to occur within and addresses the immediate need to the amenity.
7 (c)	Efficiency	The land development optimises the use of existing engineering infrastructure. the proposed use will not use more than a residential house would in this area.
7 (d)	Spatial Resilience	By providing more community support facilities, the principle of spatial resilience applies in that the Spatial Development framework supports the type of development that's been instituted in the area, therefore adhering to the vision of the City.
7 (e)	Good Administration	The development answers to the broader scope and the microscope of all spheres of government, in that it answers the need of the intention to increase accessibility to necessary social needs within South Africa.

6. RECOMMENDATION

The application is in line with the City of Johannesburg's vision for this area and supports the policy, being that the subject property is located within a Metropolitan Node. The proposed development would align with the surrounding area. The City is in dire need of affordable and well located residential opportunities. This application aims at addressing this need and more efficiently utilising well located space in the City.

We therefore recommend that the application be approved.