

MOTIVATIONAL MEMORANDUM:
Simultaneous Rezoning and Removal of
Restrictions Application
for
Erven 1226 and 1227 Rosettenville Ext

on behalf of
Cyrgol Trust (Pty) Ltd

Date	22 February 2022
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INTRODUCTION

The purpose of this memorandum is to introduce, elaborate upon and motivate the application for the simultaneous rezoning and removal of restriction in respect of Erven 1226 and 1227 Rosettenville Ext.

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 Cyrgol Trust (Pty) Ltd, the registered owner of the properties, to lodge an application for the simultaneous rezoning and removal of restrictive title conditions of Erven 1226 and 1227 Rosettenville Ext to allow for a mixed use development. 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 Sections 21 and 41 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 simultaneous rezoning and removal of restrictions (a) to (o) of Title Deed T363/1962.

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	Raeesa Soomar
Postal Address	47 Third Street, Linden, 2195
Contact Number	011 888 8685 / 084 440 5957
Email	raeesa@kipd.co.za

1.2.2. Client

The client's details are as follows:

Name	Shydaa Akoojee
Contact Number	082 642 8730
Address	Cnr Verona and Albert Street, Rosettenville, 1450
Email	mijovotransport@gmail.com

1.3. LAND DEVELOPMENT AREA

1.3.1. Site Locality

The property is located at no 22 Verona Strett, Rosettenville Ext. Rosettenville Ext is located east of Kenilworth and Towerby, north of Oakdene, west of The Hill Ext 1and south of Rosettenville.

1.4. LEGAL ASPECTS

1.4.1. Ownership

In terms of Deed of Transfer T363/1962, the properties are registered in the name of Cyrgol Trust (Pty) Ltd and measures 519 m² each.

1.4.2. Company Resolution

The Directors of Cyrgol Trust (Pty) Ltd have provided a resolution authorising the nominated individual to provide a 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. Power of Attorney

The authorised individual has in turn provided a signed power of attorneys to enable KiPD to submit a formal application as per the requirements of the CoJ Municipal Planning By-Law, 2016.

1.4.4. Restrictive Title Conditions

Application is hereby made for the removal of condition (2) from Title Deed T363/1962.

1.4.5. Registered Mortgage Bonds

There is no mortgage bond registered against the properties.

1.5. EXISTING LAND USE

The property is currently being used as a multi storey residential building with shops on the ground floor, a school on the 1st and 2nd floors and residential units on the top floor.

1.6. SURROUNDING LAND USE

Rosentenville is a predominantly residential suburb. Verona Street has become a high street with mixed business uses along the length of the road.

1.7. EXISTING ZONING AND DEVELOPMENT CONTROLS

In terms of the City of Johannesburg Land Use Scheme, 2018, the property is currently zoned as follows:

Zoning	Residential 4
Primary rights	Dwelling units and residential buildings and hotel with liquor licence
Secondary rights	Place of Amusement, 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	As per scheme: 1.7
Density	-
Coverage	As per scheme : 65%
Height zone	As per Scheme : 4 storeys
Parking	Nil parking for hotel
Building Lines	2m along Albert Street

1.8. SURROUNDING ZONING

In terms of the City of Johannesburg Land Use Scheme, 2018, most of the erven north and south of Verona Street are zoned "Residential 4". A number of properties along Verona Street are zoned for business and mixed use uses.

2. THE APPLICATION

2.1. PROPOSED REMOVAL OF TITLE RESTRICTIONS

Application is hereby made to remove title conditions (2) from Deeds of Transfer T363/1962.

The proposed zoning is for business uses and the title condition restricts the use of the property for "canteens and the sale of wines or spirituous liquors".

The land use applied for is not particularly for restaurants or liquor store, however the wide basket of business uses does not restrict shops of any kind or restaurants from operating on the property, thus necessitating the removal of this condition from the Title Deed.

2.2. PROPOSED ZONING

Application is hereby made for the following land use rights :

Zoning	Business 1
Primary rights	Business purposes, shops, residential buildings, place of instruction, social halls, restaurant, car sales lot, motor showrooms, showrooms, offices, public or private parking area, institutions, religious purposes, dwelling units, warehouse.
Floor Area	As per scheme: 2.0
Density	-
Coverage	As per scheme : 70%
Height zone	As per scheme : 4 storeys
Parking	0.3 bays per 100m ² for all uses
Building Lines	om along street boundaries

2.3. PROPOSED LAND USE

It is intended for the property to be developed into a mixed use building offering a variation of land uses. The aim is to have street level shops, with an educational institution on the 1st and 2nd floors, along with a small prayer room, and residential units on the top floor.

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);
- Nodal Review Policy 2019/2020.

3.1. SPATIAL DEVELOPMENT FRAMEWORK 2040

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 "Metropolitan Node", this area is the highest mix of land uses (up to 100% of floor area per building may be for non-residential, but internal mix per building promoted).

The focus of the strategy is to create active, diverse ground floors (shops, restaurants, offices, services) with minimal setbacks. Multi use buildings should be of a similar quality, but lower intensity to the Inner City.

The development of a multi-faceted development with active frontages, along a high street is wholly in line with the vision of the SDF.

3.2. NODAL REVIEW POLICY 2019/2020

In terms of the Nodal Review Policy, 2019/2020, the subject property falls within the Metropolitan Node and thus is earmarked for high intensity mixed use development.

The proposed development of Erven 1226 and 1227 Rosettenville Ext is wholly in line with the Nodal review, as application is made for Business 1 rights which allows for mixed use development.

4. MOTIVATION

4.1. NEED AND DESIRABILITY

It is proposed that the properties be rezoned to "Business 1" to allow for mixed uses within the existing building located on Erven 1126 and 1227 Rosettenville Ext.

The proposed mix of uses of the building currently is as follows:

1. Residential units (top floor)
2. Place of instruction (Gauteng Dept Education registered independent school)
3. Small prayer room
4. Shops (ground floor)

The properties are located in a "metropolitan node" which the City of Johannesburg has strategically identified for mixed use development. Furthermore, the proposed development with shops on the ground floor will create an interactive pavement and encourage pedestrian activity. This model is highly favoured by the City and encourages the use of public transport.

The metropolitan node encourages buildings to transform into multi-functional spaces where the space is maximised. the proposed development will ensure such multi-functionality and since it is located on a mobility road, it is a prime location for transit -oriented development.

All the uses contained in the building will require minimum parking due to the location of the building, the availability of public transport infrastructure and the nature of the uses.

The school which will occupy a portion of the building is registered as an independent school with the Gauteng Department of Education and is an inner-city school accommodating children from grade 1 – 12 from disadvantaged backgrounds. It aims at providing quality education in a welcoming and safe environment.

The residential units are also aimed at low income residents who do not own private cars and make use of the public transport available. It is important to make affordable residential stock available in strategic areas – close to places of work, education, recreation and businesses to reduce travel distance and reduce the need for private cars.

The shops located on the ground floor are convenience stores aimed at providing services to the surrounding residents, such as a laundromat, who would access these stores by foot. The prayer room will also only be frequented by congregants on foot, as it will serve the surrounding residents.

On street parking is available for visitors and some parking can be provided on site.

Therefore, the proposed development is ideally located in the metropolitan node, along a mobility road and in close proximity to public transport infrastructure and should therefore be supported by the City.

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 residential stock, retail facilities and educational facilities.
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 (metropolitan node) and addresses the immediate need to the amenity.
7 (c)	Efficiency	The land development optimises the use of existing engineering infrastructure.
7 (d)	Spatial Resilience	By providing residential units, along with educational and businesses services within a metropolitan node, 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; the proposed development would align with the surrounding area. The City is in dire need of more affordable, safe and well located residential opportunities, educational facilities and business services. 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.