

MOTIVATIONAL MEMORANDUM:
Simultaneous Rezoning and Removal of
Restrictions Application
for
Erf 573 Glenanda

on behalf of
M. A. Patel and & R. Patel

Date	3 November 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 Erf 573 Glenanda.

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 Meetesh Amrutlal Patel & Rene Patel, the registered owners of the property, to lodge an application for the simultaneous rezoning and removal of restrictive title conditions of Erf 573 Glenanda to allow for the property to be used for business purposes. 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 Conditions 10. 11. and 13 from Title Deed T6232/2014.

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	raesa@kipd.co.za

1.2.2. Client

The client's details are as follows:

Name	Meetesh Amrutlal Patel & Rene Patel
Contact Number	072 921 3416
Address	99 Vorster Avenue, Glenanda
Email	meerenproperties@gmail.com

1.3. LAND DEVELOPMENT AREA

1.3.1. Site Locality

Glenanda is located in the south of Johannesburg, south of Oakdene and the N12 highway, west of Glenvista and east of Suideroord and the Klip River Road. The property is located at no 99 Vorster Avenue, Glenanda, a main road running through Glenanda.

1.4. LEGAL ASPECTS

1.4.1. Ownership

In terms of Deed of Transfer T6232/2014, the property is registered in the name of Meetesh Amrutlal Patel & Rene Patel (nee Ruthnum) and measures 1394 m².

1.4.2. Power of Attorney

The owners of the property have 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

Conditions 10, 11, and 13, of Title Deed T6232/2014 restricts the use of the land for business purposes and application is hereby made to remove these conditions.

1.4.4. Registered Mortgage Bonds

There is a mortgage bond registered against the property with Standard Bank. The bondholders consent letter is attached to this application.

1.5. EXISTING LAND USE

The property is currently being used as professional offices and a shop.

1.6. SURROUNDING LAND USE

The properties along Vorster Avenue vary in uses from service industries, offices, shops, educational facilities and residential homes. A number of properties have converted dwelling units into businesses along Vorster Avenue.

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 1
Primary rights	Dwelling units
Floor Area	As per scheme: 1.2
Density	One dwelling unit per erf
Coverage	As per scheme : 50% - 1 and 2 storeys 40% - 3 storeys
Height zone	As per Scheme : 3 storeys
Parking	As per scheme
Building Lines	3m street boundaries

1.8. SURROUNDING ZONING

In terms of the City of Johannesburg Land Use Scheme, 2018, most of the erven south of the property are zoned "Residential 1". North of the property are business uses which include the Glen Shopping Centre, motor dealerships and big box retail outlets. Along Vorster Avenue, Erf 574 has recently been rezoned to "Business 1" (in the process of being promulgated), Erf 567 has been rezoned to "Educational" and a number of the erven zoned Residential 1 have been converted into businesses.

2. THE APPLICATION

2.1. PROPOSED REMOVAL OF TITLE RESTRICTIONS

Application is hereby made to remove title conditions 10, 11, and 13 from Deeds of Transfer T6232/2014.

The proposed zoning is for business uses and the title conditions 10, and 11, restricts the use of the property to residential only. This is a superfluous condition as the zoning is controlled by the City of Johannesburg Land Use Scheme.

Condition 13, relates to the building line, restricting the building line to 9.14m from the boundary of the street. This is contrary to the City of Johannesburg Land Use Scheme which stipulates the building line along the street as 3m.

Many conditions contained in title deeds are outdated and were initially included as title conditions prior to the existence of legislation and policies guiding and facilitating development and property usage. The conditions therefore restricts the use of the property for business uses and thus necessitates its removal 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, private or public parking area, institutions, religious purposes, dwelling units, warehouse.
Floor Area	As per scheme: 1.0
Coverage	As per scheme : 60%
Height zone	As per Scheme – 2 storeys
Parking	As per Scheme
Building Lines	3m street boundaries 2m other boundaries

2.3. PROPOSED LAND USE

It is intended for the property to be used as offices and a shop. A larger basket of rights is sought so as to not limit the future development and or tenants for the property.

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 "Consolidation Zone", this area (neither within the Transformation Zone, nor outside the urban development boundary) is viewed as a focus of urban consolidation, infrastructure maintenance, controlled growth, urban management, addressing backlogs (in social and hard infrastructure) and structural positioning for medium to longer term growth.

The focus of the strategy is to create liveable lower to medium density suburban areas that are well-served by businesses and services and well-connected to areas of higher intensity through transit infrastructure, without the need for additional investment in service infrastructure. Mixed uses are encouraged along high streets.

The transformation of this property into business uses along a major through-route, high street as well as a major public transport route is wholly in line with the principles of the SDF. It is ideally located in a strategic area that is easily accessible. The character of Vorster Avenue has undergone major change and has transformed into the high street servicing the residential properties surrounding it.

All suburban areas require neighbourhood level business uses which offer convenience store, service industries such as hairdressers, laundromats etc, educational facilities, tuition centres and even restaurants.

By providing such uses on a small scale to serve the immediate surrounds encourages people to reduce travel distances and lower their carbon footprint. It also encourages the city to develop with as a multi nuclear model where smaller business streets and nodes serve a specific, neighbourhood function and does not necessarily invite people into the area from beyond their area of influence. With the advent of Covid-19 and the new 'working from home' model, there is also a need for small scale offices where people can rent smaller spaces to work from as opposed to driving into the major CBD areas on a daily basis. The possibilities of business usage on this property are endless and the transformation of this erf into a business erf will no doubt add value to Vorster avenue and the area as a whole.

It is important to confine business uses to a specific area such as nodes and high streets. Vorster avenue is considered a high street and thus the proposed development for business purposes on the property is ideally situated.

3.2. NODAL REVIEW POLICY 2019/2020

In terms of the Nodal Review Policy, 2019/2020, the subject property falls within the "General-Urban Zone" and thus is earmarked for slightly higher intensity residential development as well as mixed uses along high streets.

The proposed development of Erf 573 Glenanda is wholly in line with the Nodal review, as application is made for business rights along a high street.

4. MOTIVATION

4.1. NEED AND DESIRABILITY

It is proposed that the property be rezoned to “Business 1” to allow the property to be used for an array of uses including offices, retail shop and tuition centre.

The property is located along the high street, Vorster Avenue where a number of properties have been transformed into business uses.

The street has become a major mobility street which links various areas of the city to each other and a mixed-use high street.

The high level of accessibility and changing nature of the street, specifically with business uses and higher density residential development makes the location of the proposed business development perfectly suited along Vorster Avenue.

The property has sufficient space for parking on site.

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 employment opportunities in close proximity to residential stock and transport infrastructure.
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 (along a high street) 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 business services along a high street, 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 business and 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 need of more well located business and employment 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.