



MOTIVATING MEMORANDUM

IN SUPPORT OF THE APPLICATION FOR

THE SIMULTANEOUS REMOVAL OF

RESTRICTIVE CONDITIONS AND THE

AMENDMENT OF LAND USE SCHEME

(REZONING)

IN TERMS OF ERF 225, GREENSIDE

READY TO PRINT



MOTIVATING MEMORANDUM IN SUPPORT OF THE APPLICATION FOR THE SIMULTANEOUS REMOVAL OF RESTRICTIVE CONDITIONS AND THE AMENDMENT OF LAND USE SCHEME (REZONING) IN TERMS OF ERF 225, GREENSIDE

1. INTRODUCTION

1.1 AIM OF THE APPLICATION

The aim of the application is to Remove certain Restrictive Conditions and simultaneously amend the City of Johannesburg Land Use Scheme, 2018, in terms of erf 225 in Greenside township, by submitting a Removal of Restrictive Conditions Application as well as an Amendment of Land Use Scheme (rezoning) application to the City of Johannesburg, to amend the zoning from ***“Residential 1” to “Business 1”*** to enable the registered owners of the abovementioned property to develop the said property for Business use (restaurant) on the ground floor and three dwelling units (apartments) on the first floor.

This Simultaneous Removal of Restrictive Conditions application is submitted in terms of Section 41 of the City of Johannesburg Municipal Planning By-Law, 2016 and Amendment of Land Use Scheme (Rezoning) Application in terms of Section 21 of the City of Johannesburg Municipal Planning By-Law, 2016 read together with the Spatial Planning and Land Use Management Act (Act 16 of 2013).

This application will provide all current and proposed site details and attributes, the need and desirability of the proposed development and how it falls within and is guided by the relevant policy frameworks and precinct plans within the City of Johannesburg and its relevance to the context of Greenside, wherein the site is located.

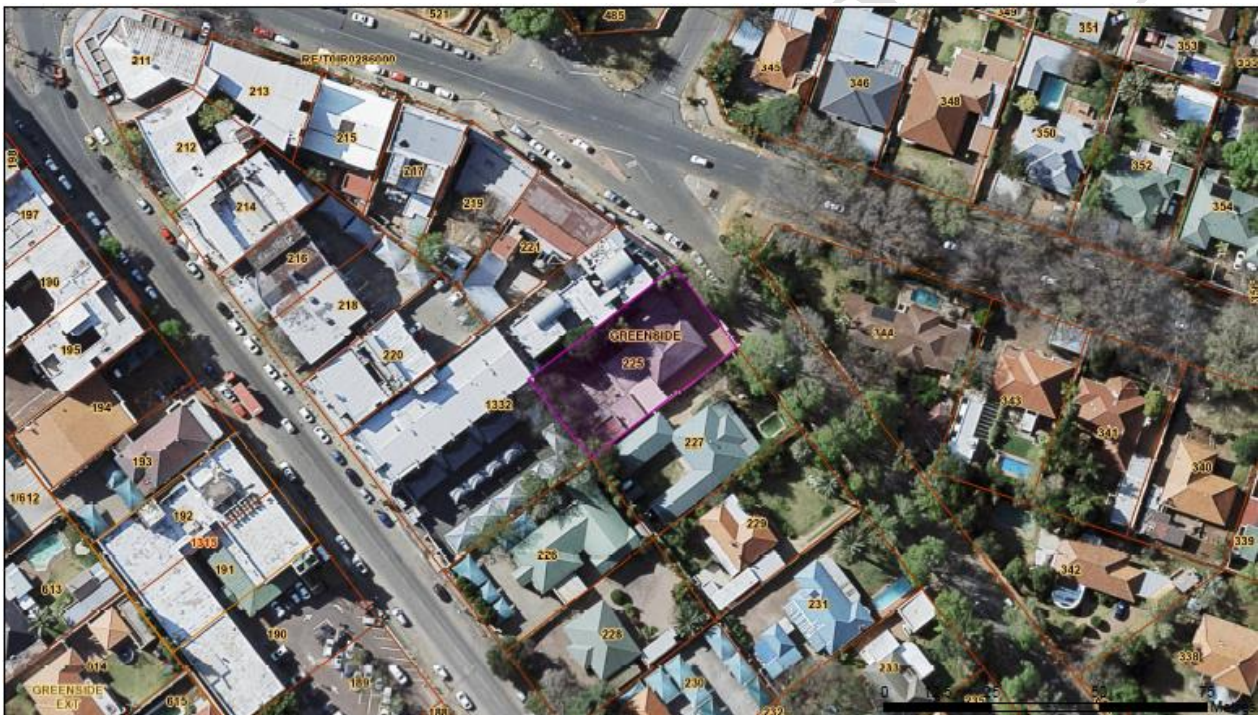
2. SITE DETAILS

2.1 LOCATION

Erf 225 is located at 49 Greenfield Road, Greenside, Johannesburg.

Please find the Locality Map attached.

2.1.1. AERIAL VIEW OF ERF 225 GREENSIDE



1:1000

2.2 ERF AREA

Erf 225 measures 1012m²

2.3 EXISTING LAND USE

The site currently has a single dwelling unit (residential use only)

2.4 SURROUNDING LAND USE PATTERN

The surrounding land use pattern is as follows:

North of site:	Erf 221 – Restaurant	Erf 1332 – Mixed (Residential and Retail)
East of site:	Erf 344 – Dwelling House	
South of site:	Erf 226 - Dwelling House	Erf 227 – Dwelling House
West of site	Erf 1332 – Mixed (Residential and Retail)	Erf 220 – Restaurant and Offices

The surrounding land uses are indicated on the **Land Use Plan** attached.

2.5 EXISTING ZONING CONTROLS

In terms of the City of Johannesburg Land Use Scheme 2018, the following zoning controls are currently applicable to ERF 225 GREENSIDE:

ZONING CONTROL	DESCRIPTION
ERF	225
USE ZONE	Residential 1
PRIMARY RIGHTS	Single Dwelling Unit
FAR	1,2
COVERAGE	50%
DENSITY	As per scheme for “Residential 1”
HEIGHT ZONE	A – Maximum 3 storeys
BUILDING LINES	As per scheme
PARKING	As per scheme

2.6 SURROUNDING ZONING STRUCTURE

In terms of the City of Johannesburg Land Use Scheme 2018, the following zoning pattern surrounds Erf 225:

<i>North of Site:</i>	"Residential 1"
<i>South of Site:</i>	"Business 1"
<i>East of Site:</i>	"Residential"
<i>West of Site:</i>	"Business 1"

*The surrounding zoning patterns are indicated on the **Zoning Plan** attached.*

3. LEGAL INFORMATION

3.1 DEED OF TRANSFER DOCUMENT

The title deed transfer number in relation to Erf 225 Greenside is T000006281/2020.

The **Title Deed** is attached in the Annexure.

3.2. OWNERSHIP

Erf 225 Greenside is registered in the name of Mohammed Haffejee.

3.3. BONDHOLDER INFORMATION

There is no bond attached to erf 225 Greenside.

3.4. RESTRICTIVE CONDITIONS

3.2.1. The title deed contains 3 restrictive conditions on Pages 2 and 3, wherein the application is made for the Removal of Restrictive Conditions respectively:

Page 2, Clause f: “No canteen, restaurant, shop, factory, industry or any place of business whatsoever shall be opened or conducted on the Erf”

Page 3, Clause g: “only one private dwelling house with the necessary outbuildings shall be erected on the Erf”

Page 3, Clause i: “No building shall be erected within a distance of 7, 87 (seven comma eight seven) metres from the street boundary of the Erf, or, except with the permission of the Company, within a distance of 1, 57 (one comma five seven) metres from any other boundary of the Erf”

3.5. REMOVAL OF RESTRICTIVE CONDITIONS

The Removal of Restrictive Conditions is made in terms of Section 41 of the City of Johannesburg Municipal Planning By-Law, 2016 in order to remove THREE restrictive conditions in the title in order to accommodate the uses proposed by the Rezoning Application for the change in land use to “Business 1” to allow for the primary purposes listed under “Business 1” in the City of Johannesburg Land Use Scheme 2018, with the intention of a Restaurant (Business Use) as well as three Dwelling Units (Apartments)



3.5.1. Condition to be Removed:

Page 2, Clause f: “No canteen, restaurant, shop, factory, industry or any place of business whatsoever shall be opened or conducted on the Erf”

The rezoning of erf 225 to “Business 1” follows the trend of the surrounding land use pattern of Greenside where economic activity has increased and the prevalence of business uses and restaurants have become common and a popular area where local patrons frequent. The intention is to stimulate economic activity on the property through Business Use. The removal of this restrictive condition will allow for the proposed amendment of the Land Use Scheme for the purpose of a Business Use. Business uses, trends and need and desirability changes as the economic climate changes,

3.5.2. Condition to be Removed:

Page 3, Clause g: “only one private dwelling house with the necessary outbuildings shall be erected on the Erf”

The proposed rezoning from “Residential 1” to “Business 1” will allow for the development of multiple dwelling units. The proposed rezoning applies for the development to contain TWO apartments (dwelling units) on the first floor. These three dwelling units will therefore be located above the restaurant that is on the ground floor. Apartments allow access to housing for those with a preference of smaller sized dwelling units as opposed to a house. The removal of this restrictive condition will allow for the rezoning to “Business 1” and the proposed development of these three dwelling units above the ground floor.

3.5.3. Condition to be Removed:

Page 3, Clause i: “No building shall be erected within a distance of 7, 87 (seven comma eight seven) metres from the street boundary of the Erf, or, except with

the permission of the Company, within a distance of 1, 57 (one comma five seven) metres from any other boundary of the Erf”

The current trend in Greenside is the removal of this restrictive condition in order to allow residents to conform to the City of Johannesburg Land Use Scheme 2018, wherein buildings may be erected 3m (THREE METRES) away from the street boundary. The prevalence of many restaurants in the Greenside area, in particular along Greenfield Road as well, is that restaurants offer seating areas overlooking the road (3m from the street boundary) in order to activate these building edges and contribute to the active frontages where the restaurant patrons feel assimilated into these high movement streets, improving the street scape and creating a sense of flow between land use, pedestrianism and movement along these high activity streets. The proposed 3m (THREE METRE) building line from the street will not hinder access to the property by vehicles as access points to and from erf 225 Greenside will be provided and clearly demarcated. The reduction in the building line from the street will allow for the proposed restaurant to be visible from the street, and will simply follow the pattern of the neighbouring business land uses who have reduced this building line as well. It is therefore aligning with the street pattern along Greenfield Road and is not deterring from the existing configuration of the same land uses.

4. AMENDMENT OF LAND USE SCHEME (REZONING)

4.2. ZONING PROPOSALS

The aim of this rezoning application, in terms of Erf 225 Greenside, is to amend the City of Johannesburg Land Use Scheme 2018, from “Residential 1” to “Business 1” for the purpose of a restaurant on the ground floor and 3 (THREE) dwelling units on the first floor.



USE ZONE	DEFINITION AS PER THE CITY OF JOHANNESBURG LAND USE SCHEME 2018
BUSINESS 1	Business purposes, shops, residential buildings, place of instruction, social halls, restaurant, car sales lot, motor showrooms, offices, public or private parking area, institutions, religious purposes, dwelling units, warehouse

“BUSINESS 1”, as defined in the City of Johannesburg Land Use Scheme 2018, allows for the proposed use that is a restaurant and dwelling units. The purpose of this rezoning is to allow for business and residential purposes, accompanied by the adequate amount of parking space for occupants and visitors, as well as the essential amount of open space that is required for pedestrian movement within the site, as well as vehicle manoeuvring. A restaurant aligns with the surrounding land use pattern, where Greenside is well known for its array in restaurants and business activity.

4.2. ZONING CONTROLS: “BUSINESS 1”

In accordance with the City of Johannesburg Land Use Scheme, 2018

- For the intention of a Restaurant on the ground floor and dwelling units on the first floor
- The floor area ratio (FAR) shall be 1,2
- The height of the building shall not exceed 3 storeys (Height Zone A)
- The total coverage of the buildings shall not exceed 60%
- Pedestrian access to the site will be on Greenfield Road, Greenside.
- Vehicular entrance and exit points will be on Greenfield Road, Greenside.
- Parking provision will be according to the “NEIGHBOURHOOD NODE” IN TERMS OF THE RSDF FOR REGION B EMMARENTIA/GREENSIDE PRECINCT PLAN (2010/11) as follows:

Restaurant: 3.0 bays per 100m² -

Dwelling Units: 0,5 bays per unit plus 1,0 per three units for visitors)

- Building lines: As Per Scheme - 3m from street boundary
2m from other boundaries

4.3. PROPOSED ZONING AMENDMENT TABLE

ZONING	"BUSINESS 1"
LAND USE	Restaurant on Ground Floor 3 Dwelling units on the First Floor
FLOOR AREA RATIO (FAR)	1,2
COVERAGE	60% for two storeys
HEIGHT	Height Zone A - up to 3 storeys
DENSITY	As per Scheme
PARKING	As Per Scheme – Zone B (NEIGHBOURHOOD NODE) Restaurant: 3,0 bays per 100m ² Residential: 0,5 bays up to 3 habitable rooms plus 1,0 bay per three units for visitors
BUILDING LINES	3m from street boundary 2m from other boundaries
ACCESS	Vehicular and Pedestrian entrance and exit points will be along Greenfield Road

5. TOWN PLANNING INFORMATION

5.2. ACCESSIBILITY

Erf 225 may be accessed from Greenfield Road, Greenside

5.3. PROPOSED ACCESS TO THE ERF

Access will remain the same - the site will obtain access and have its clearly demarcated entrance and exit points on Greenfield Road, Greenside

5.4. LOCATION IN RELATION TO ITS SURROUNDS AND ASSOCIATED ACTIVITIES

The portion of Greenside that Erf 225 falls within displays the following characteristics:

- Predominantly residential and economic (business) land uses - This portion of Greenside is largely of a residential and business nature. There is a diversity in dwelling types such as single dwelling units, flats, apartments and townhouses as well as guest houses. There is a large business component with a strong social aspect in Greenside. There is a large predominance of restaurants, franchises, take-away cafes, coffee shops, boutiques, hairdressers, retail stores and small businesses as well as offices and joint workspaces.
- The strong prevalence of the sale of specialty food and diverse cuisines in the area has made Greenside well-known space for social interaction and the perfect night out. Pedestrian activity is flourishing and this portion of Greenside is a hub of day and night activity. There is an accomplished flow between the street and building activity, making the streetscape rich and providing a successful street life.
- There are restaurants and business activities located adjacent to and behind the proposed site Erf 225, thus the proposed development is in alignment with the land use pattern surrounding the site.



5.5. ACCESSIBILITY AND LINKAGE THROUGH VEHICLE MOBILITY, PUBLIC TRANSPORTATION AND PEDESTRIAN MOVEMENT

Erf 225 will obtain direct entrance and exit points from Greenfield Road. Greenfield Road is parallel to Greenway Avenue - an activity spine that is home to various economic and mixed-use activities. Greenway Avenue boasts high activity with restaurants, retail stores, apartments, hairdressers and a shopping centre. Greenway Avenue is a bus route with multiple bus stops as well as a daily taxi route. This allows easy access to the site along Greenfield Road.

Greenfield Road may be accessed from Barry Hertzog Avenue, a mobility spine as well as a BRT Complementary Route, which provides Greenside with a North-South linkage. Barry Hertzog is an activity spine and arterial route that provides a linkage from Auckland Park and Melville all the way to Emmarentia and Greenside. Barry Hertzog Avenue also links up with Judith Road in Emmarentia which links up with Beyers Naude Drive to the west. This is also an arterial route that is also a bus route and provides accessibility from areas such as Northcliff and Cresta all the way to Northern areas such as Honeydew and Zandspruit. The site is therefore easily linked to surrounding areas and may be accessed easily through private or public transportation along these arterial routes.

The site is also in close proximity to Parkview and Rosebank to the East, both home to residential and business land uses as well as high activity streets and large movement zones through public transportation, the Gautrain Station in Rosebank as well as largely utilised taxi routes.

The site is located in a predominantly residential and business area. The site is surrounded by high activity streets, mixed residential uses and business uses. Accessibility to the road network is well established. Mobility and linkage to surrounding amenities and areas to and from the proposed site via the road network is legible and well-defined.

The site's easy access to the fundamental Mobility Spine that is Barry Hertzog Avenue that initiates in Melville, is of much significance. Barry Hertzog Avenue is a complementary BRT Route and it is



along this road that resident's access public transportation and utilise the BRT system to and from the areas surrounding Auckland Park and is a popular route in accessing the Johannesburg CBD. This route links Empire Road (in Auckland Park) with many business uses, retail, business parks and restaurants to surrounding areas and nodes.

Gleneagles Road is classified in the RSDF (2009/10) as a Mobility Road. This lies adjacent to Greenfield Road. It exists as an East-West linkage

5.6. PARKING

Parking on the site will be provided as per the requirements and recommendations of the City of Johannesburg Land Use Scheme 2018 for PARKING ZONE B- NODES and is informed by the "NODAL CONTAINMENT" IN TERMS OF THE RSDF FOR REGION B EMMARENTIA/GREENSIDE PRECINCT PLAN (2010/11).

There will be a provision of 19 parking bays in total of on-site parking. The position of majority of the parking bays on the proposed site will be located to the posterior of the site and will not hinder pedestrian access or patrons' accessibility to the site.

PARKING REQUIREMENT		PROPOSED NUMBER OF BAYS PROVIDED ON-SITE
Restaurant (GROUND FLOOR)	3,0 bays per 100m ²	11
2 Dwelling Units (FIRST FLOOR)	0,5 bays up to 3 habitable rooms plus 1,0 bay per three units for visitors	4
TOTAL		15

The **Site Plan** attached illustrates the position of the 15 parking bays provided on-site.

6. MOTIVATION

6.2. NEED AND DESIRABILITY

The intention of the owners is to develop the said property into a Business Use for the purpose of a restaurant on the ground floor and three dwelling units on the first floor. The restaurant is in keeping with the nature and activity of its surrounds and add to the variety of cuisines that Greenside as a whole has to offer and is well known for.

Restaurants boosts socio-economic activity in the area, provides employment, assists in keeping activity streets alive, promotes economic investment and this increases the property value of the suburb of Greenside as a whole.

Greenside is a growing mixed-use area that includes a large residential element, amenities for residents and facilities that are conducive for convenience, community-based lifestyle, a strong business component and an emergent economic development factor that is attracting investment.

6.2. COMPLIANCE WITH RELEVANT POLICY AND FRAMEWORKS

6.2.1 SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (SPLUMA) 2013

Section 7 of SPLUMA (Act 16 of 2013) outlines the development principles that apply to spatial planning, land development and land-use management. The following table illustrates how the proposed site and the development of a Business Use on Erf 225 Greenside will align with these principles and will comply with SPLUMA 2013 in the following manner:

SPLUMA Referral under Section 7:	How will the proposed site Erf 225 Greenside comply?
7(a) <i>Spatial Justice</i>	The proposed Business development intends to derive revenue from the Restaurant on the site. Increased economic activity is beneficial to an area as it attracts investment, creates employment and encourages community-

	based lifestyles where residents can benefit from the development in terms of convenience and economic value.
7(b) Spatial Sustainability	The development of Erf 225 Greenside as a Business Use is relevant to the surrounding character of Greenside. There is a growing socio-economic element in the area and the proposed site promotes a viable and sustainable use in relation to its surrounding land uses. The development of Business Use in close proximity to other surrounding uses of the same nature displays a growing socio-economic trend that is symbolic of minimal strain on infrastructure, short travel distances and activating streets. The proposed development of two apartments on site allows prospective occupants with convenient access to surrounding facilities, amenities and economic opportunities.
7(c) Efficiency	Erf 225 Greenside will utilise existing infrastructure and follow the land-use management processes in place by the City of Johannesburg. This will ensure that all relevant authorities and departments are in agreement with the said development, allowing the proposed site to develop in an efficient manner, placing no additional strain on any infrastructure.
7(d) Spatial Resilience	Erf 225 Greenside complies with the objectives and guidelines declared in the RSDF for Region B. The development of a Business Use contributes to the local economy and due to the presence of many business uses and restaurants in the area, it promotes the street life and night life of Greenside, making it a well-known area for local and international cuisines as well as small local businesses.
7(e) Good Administration	The Simultaneous Removal of Restrictive Conditions and Rezoning Application process for Erf 225 Greenside is guided by the requirements of the City of Johannesburg and will follow all regulations and processes as set out by the Council.



6.2.2. THE JOHANNESBURG REGIONAL SPATIAL DEVELOPMENT FRAMEWORK (RSDF) 2009/10 FOR REGION B

EMMARENTIA/GREENSIDE/PARKMORE PRECINCT PLAN

Erf 225 Greenside falls within the “NODAL CONTAINMENT” portion of Greenside, as part of the Emmarentia/Greenside/Parkmore Precinct Plan.

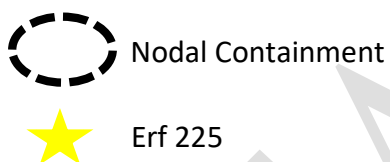
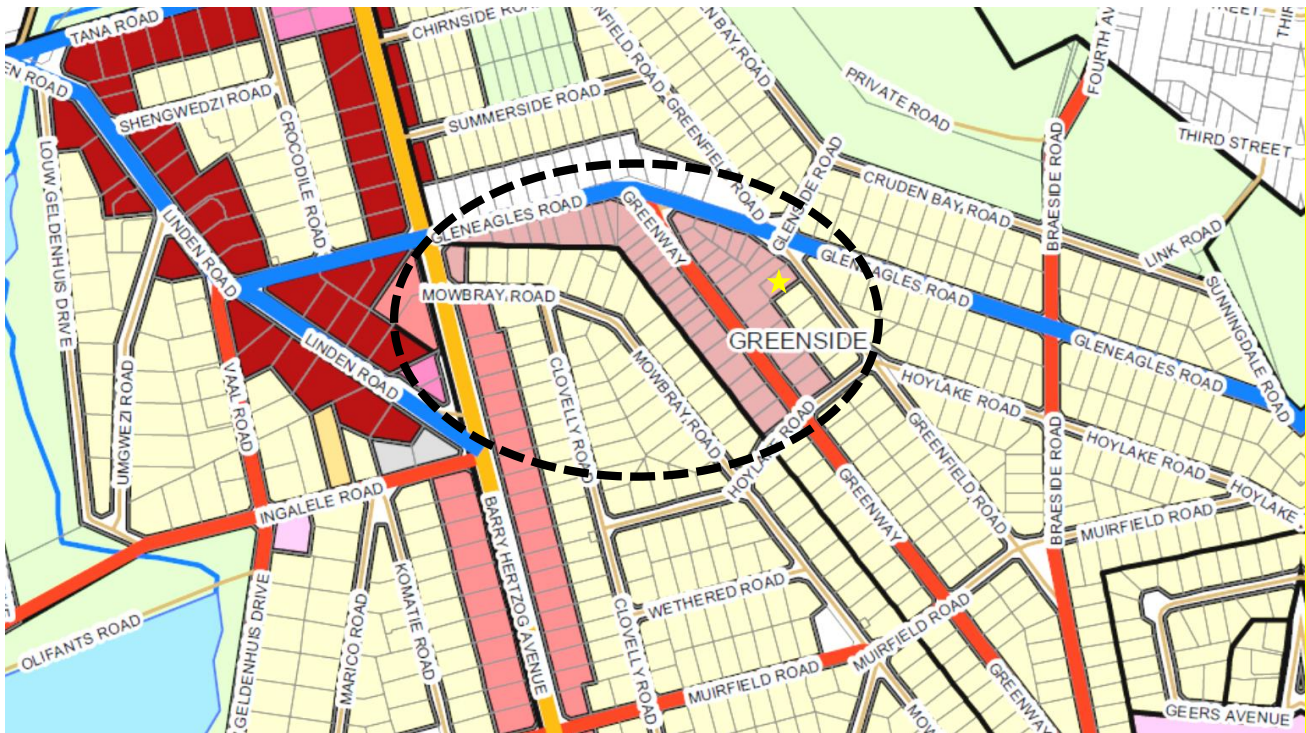
Plan Number 29 of the Greenside/Emmarentia Precinct Plan (RSDF Region B, 2009/10) displays that erf 225 falls within the nodal containment area. The proposed development of Business Use on Erf 225 does not infringe on the residential core in the area and is in alignment with the land uses present in the Nodal Containment portion of Greenside.

Much emphasis is placed on the preservation of the residential core, and the proposed development aims to retain a residential use along with a business use. Erf 225 continues the “mixed use” land use pattern encouraged in the “Nodal Containment” as outlined in the RSDF (2009/10) and the proposed use does not deter from this pattern.

The proposed development is therefore in alignment with the RSDF for Region B and is clearly a manifestation of the interventions mentioned within the RSDF for Region B and specifically the Emmarentia/Greenside Precinct Plan.

The proposed development directly correlates to the guidelines as stipulated in the RSDF in terms of “NODAL CONTAINMENT”. In this manner, the proposed development is in clear accordance and compliance with the development goals as per the RSDF for Region B.

**Emmarentia/Greenside Precinct Plan (Plan Number 29 of RSDF for Region B,
2009/10) Outlining the Nodal Containment**



Erf 225 is located within the Nodal Containment of the Emmarentia/Greenside Precinct Plan. Within this nodal containment, land uses that are prevalent include business, retail, restaurants and take-aways, small businesses and joint workspaces.

The proposed rezoning from “Residential 1” to “Business 1” is in accordance with the land uses and zoning pattern within the nodal containment and is therefore compatible with the RSDF for Region B and the Emmarentia/Greenside Precinct Plan.



6.2. COMPATIBILITY

The proposed development as a medium-density residential use does not deter from its surrounding land-use pattern nor does it demonstrate a land-use that may negatively impact the existing physical environment or contiguous erven. The proposed site Erf 225 Greenside is surrounded by the same land-use that is being proposed as well as the same zoning (please refer to Zoning Plan attached).

The development of a Business Use is in direct correlation to all above-mentioned policy frameworks and precinct plans and is therefore compatible with the land-use pattern, policy, precinct goals and region objectives.

6.3. SERVICES

The proposed site will not require additional bulk infrastructure provision that will put a strain on the existing water, electricity and sewage service network. There is a THREE-PHASE electricity supply present on the site and the proposed development will successfully run off this existing electricity provision.

6.4. TRAFFIC GENERATION

The proposed development – “business use” in the form of a restaurant and three dwelling units (apartments)– will provide all parking ON-SITE. Business Use will not contribute to any traffic congestion as it does not attract full occupancy by patrons at the same time every day. Patrons will enter into the property and park on-site, therefore on-street parking will not be utilised nor will patrons obstruct the sidewalk, the neighbours or hinder street activity and traffic flow.

7. CONCLUSION AND RECOMMENDATION

This Simultaneous Removal of Restrictive Conditions and Amendment of Land Use Scheme (Rezoning) submitted in terms of Erf 225 Greenside, applies for the Removal of certain Restrictive Conditions and the amendment of the City of Johannesburg Land Use Scheme 2018, by altering the zoning from “Residential 1” to “Business 1” to allow for business use in the form of a restaurant on the ground floor and three dwelling units (apartments) on the first floor.

The Simultaneous Removal of Restrictive Conditions and Rezoning is steered by the developmental policies and frameworks of the City of Johannesburg and is further in adherence to the development guidelines, principles and objectives of SPLUMA 2013, the RSDF for Region B 2010 and the Greenside/Linden Precinct Plan. The need and desirability of the proposed rezoning has been addressed along with the explanation of the value that the proposed site will add to the existing local environment and community as well as contributing to the economic growth of the area.

It is therefore recommended that the above Simultaneous Removal of Restrictive Conditions and Rezoning Application be approved.