

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
16 February 2016
(Also the agenda for the Mayoral Committee Meeting : 24 February 2016)**

7.

**ERF 942, 71 DREYER STREET, STANFORD, OVERSTRAND MUNICIPAL AREA :
PROPOSED REZONING, DEPARTURE AND AMENDMENT OF THE
OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK : MESSRS
INTERACTIVE TOWN- & REGIONAL PLANNERS ON BEHALF OF MA &
CK MESELE**

**Erf 942 SSN (2803)
SW van der Merwe
8 January 2016**

(028) 313 8900

Hermanus Administration

1. Executive Summary

To consider an application received on 20 January 2015 from Messrs Interactive Town- and Regional Planners on behalf of the owners of Erf 942 Stanford, MA & CK Mesele, for:

- amendment of the Overstrand Spatial Development Framework (SDF) (2006) to change the reservation of the subject property from residential purposes to commercial purposes;
- rezoning from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3); and
- departure in order to relax the southern lateral building line abutting Erf 1221 from 3m to 0m.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor (for purposes of considering a rezoning and a departure)

5. Legal Requirements

- Local Government Municipal Systems Act, 2000 (Act 32 of 2000)
- Sections 15 and 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

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6. Background/Discussion/Evaluation/Conclusion

Background

Erf 942, Stanford is currently zoned for Residential Zone 1: Single Residential purposes. The property is vacant and measures 474m² in extent. The property is situated opposite the taxi rank, whilst the adjoining properties are zoned for business and community purposes.

The application entails the amendment of the SDF to change the reservation of the subject property to commercial purposes, rezoning from Residential Zone 1: Single Residential (SR1) purposes to Business Zone 3: Local Business (B3) purposes and departure of the southern lateral building line from 3m to 0m. It is intended to develop the property with 2 or 3 line shops and offices or flats above.

The original application requested a relaxation from the parking (ratio) applicable in terms of the Overstrand Zoning Scheme Regulations. The parking proposal also entailed the encroachment of the parking area onto the road reserve (municipal property). Following the internal circulation process and the receipt of negative comments pertaining to the applicable parking ratio and encroachment of parking on the road reserve the applicant requested that the rezoning application be finalised that is to be linked to the approval of a Site Development Plan (SDP) under delegated authority in terms of the conditions of approval. As such, there will no longer be a departure from the parking ratio since the SDP will have to demonstrate compliance with the applicable development parameters in terms of the Scheme Regulations. The SDP will also demonstrate that the development is to be accommodated within the property boundaries and as such the sections dealing with the ratio and encroachment of the property boundaries contained in the motivation report is no longer applicable.

Discussion

The application was advertised in the prescribed manner (Local Newspaper and Government Gazette) and notices were sent to all surrounding affected property owners. No objections were received.

The Stanford Conservation Heritage Committee initially commented on the location of the proposed building, but after a meeting with the applicant the committee indicated that they support the proposal (comment attached as Annexure D).

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Evaluation

The proposed rezoning and departure application should be considered in terms of the criteria stipulated in terms of Section 36 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) namely desirability and impact on vested rights of adjoining property owners.

Proposed rezoning & SDF amendment

The subject property is currently vacant, but located in an area with a mixed character, comprising residential and business uses, whilst also located opposite the taxi rank where provision is also made for commercial activities. The subject property also abuts a vacant erf, zoned for community zone purposes.

During the internal circulation process objections were submitted by Senior Manager: Gansbaai as well as the Operational Services Manager pertaining to the manner of parking provision encroaching the property boundary onto the Dreyer Street road reserve and the associated adverse impact on highways and traffic safety.

The application was accordingly amended by the applicant to confirm that the proposed development would be contained on site in accordance with the applicable Zoning Scheme parameters pertaining to parking provision. The applicant is also in process of acquiring an adjacent property, which would be subject to a similar rezoning application which will be utilised for parking purposes. Development of the subject property would therefore be subject to the approval of a Site Development Plan demonstrating that the development could be accommodated on the premises in accordance with the provisions of the Scheme Regulations.

The Overstrand Spatial Development Framework: 2006 (SDF) promotes tourism and economic development as well as the protection of the natural- and built environment. Commercial uses should be contained in the demarcated Central Business District (CBD) area. It should be noted that the 2006 SDF did not consider business provision for Stanford North. The 2010 Growth Management Strategy (GMS) indicated a high density development corridor as well as economic opportunity further north at the Mathilda May intersection with the R43. It is however envisaged that the subject property and surrounding area, due to the mixed character and location abutting the taxi rank, will be developed into a local business node since it will also provide access to the proposed housing development to the west which is currently in the planning phase.

The proposed rezoning would therefore not detract from the character and appearance of the area or the amenities of the adjoining properties. A Site

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Development Plan will be submitted for delegated approval, demonstrating compliance with the development parameters in terms of the Scheme Regulations, thus ensuring that the type and scale of commercial activities would not detract from the character of the surrounding area and the amenities of adjoining properties. Having had regard to the aforementioned and given the lack of business opportunities in Stanford North it is recommended that the rezoning of the subject property to commercial purposes be supported.

No objection is raised from an Engineering Services point of view, whilst the development would be subject to the standard engineering conditions, including the payment of bulk services. The Operational Department supports the proposal subject to the applicant conducting a Traffic Impact Assessment (TIA) which is incorporated in the conditions of approval, the findings of which will have to be implemented by the applicant.

Departure

The subject property is currently a vacant residential erf which is almost sterilised from adjacent residential uses to the east, south and west. As such the development thereof for residential purposes is not meaningful. Given the small size of the erf measuring 474m² and the fact that the adjacent commercial property has been developed onto the street boundaries the proposed relaxation of the southern lateral building line is supported as it would not detract from the character of the area, subject thereto that the relevant building line at first floor level be maintained.

Conclusion

That the application be supported as per the recommendation below.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Services Report

Attached as Annexure H

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Operational Services

Attached as Annexure I

Building Control

“Provision must be made for disabled toilet.” (sic)

Health

Attached as Annexure J

Fire Services

“Premises Fire Safety must be in compliance with SANS 10400T:2011-National Fire Protection Regulations.” (sic)

Senior Manager Electrical Services

“The property currently has no electrical connection. Provision is made for a 30 Amp connection which will not be sufficient. A full investigation will have to be done by a consultant and all fees for this investigation and any upgrading will be for the clients account.” (sic)

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Proposed Site development plan
- Annexure C: Motivation Report
- Annexure D: Comment: Stanford Conservation Heritage Committee
- Annexure E: Applicant’s comment
- Annexure F: Letter of support from Stanford Conservation Heritage Committee
- Annexure G: Letter from applicant indicating that the rezoning application must be finalized subject to the approval of the Site Development Plan
- Annexure H: Services Report
- Annexure I: Comment: Operational Services
- Annexure J: Comment: Health

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RECOMMENDATION TO THE EXECUTIVE MAYOR:

1. that the application for rezoning of Erf 942, Stanford from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3) in terms of the provisions of Section 16 of the Land Use Planning Ordinance, **be approved**, subject to Council approving the amendment of the Overstrand Spatial Development Framework (2006);
2. that the application for departure, subject to resolution 1. above, of the southern lateral building line applicable to Erf 942, Stanford from 3m to 0m in terms of the provisions of Section 15 of the Land Use Planning Ordinance, **be approved**;
3. that the above approvals be subject to the following conditions:
 - (a) the departure of the southern lateral building line is only applicable to the ground floor of the building;
 - (b) that the development parameters pertaining to Business Zone 3: Local Business (B3), be applicable;
 - (c) that a Site Development Plan must be submitted to the Senior Manager: Town- and Spatial Planning for approval prior to any development on the property;
 - (d) that the premises must comply with Fire Safety SANS 10400T:2011- National Fire Protection Regulations;
 - (e) that all the conditions in the Services Report (Annexure E) as well as the conditions of Operational Services (Annexure F), be complied with;
 - (f) that the conditions imposed by the Overberg District Municipality Health, (Annexure G), be complied with;
 - (g) that this approval does not absolve the applicant from compliance with any other applicable legislation; and
 - (h) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget.
4. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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RECOMMENDATION TO COUNCIL:

that the application for the amendment of the Overstrand Spatial Development Framework (2006) to change the reservation of Erf 942, Stanford from residential purposes to commercial purposes, **be approved.**

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	9 MARCH 2016
TARGET DATE TO INFORM APPLICANT :	9 MARCH 2016
TARGET DATE TO INFORM OBJECTOR :	N/A

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SPATIAL DEVELOPMENT FRAMEWORK : MESSRS INTERACTIVE TOWN- &
REGIONAL PLANNERS ON BEHALF OF MA & CK MESELE**

**Erf 942 SSN (2803)
SW van der Merwe
8 January 2016**

(028) 313 8900

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
16 FEBRUARY 2016, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION TO THE EXECUTIVE MAYOR:

1. that the application for rezoning of Erf 942, Stanford from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3) in terms of the provisions of Section 16 of the Land Use Planning Ordinance, **be approved**, subject to Council approving the amendment of the Overstrand Spatial Development Framework (2006);
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 - (e) that all the conditions in the Services Report as well as the conditions of Operational Services be complied with;
 - (f) that the conditions imposed by the Overberg District Municipality Health, be complied with;

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- (g) that this approval does not absolve the applicant from compliance with any other applicable legislation; and
 - (h) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget.
4. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

RECOMMENDATION TO COUNCIL:

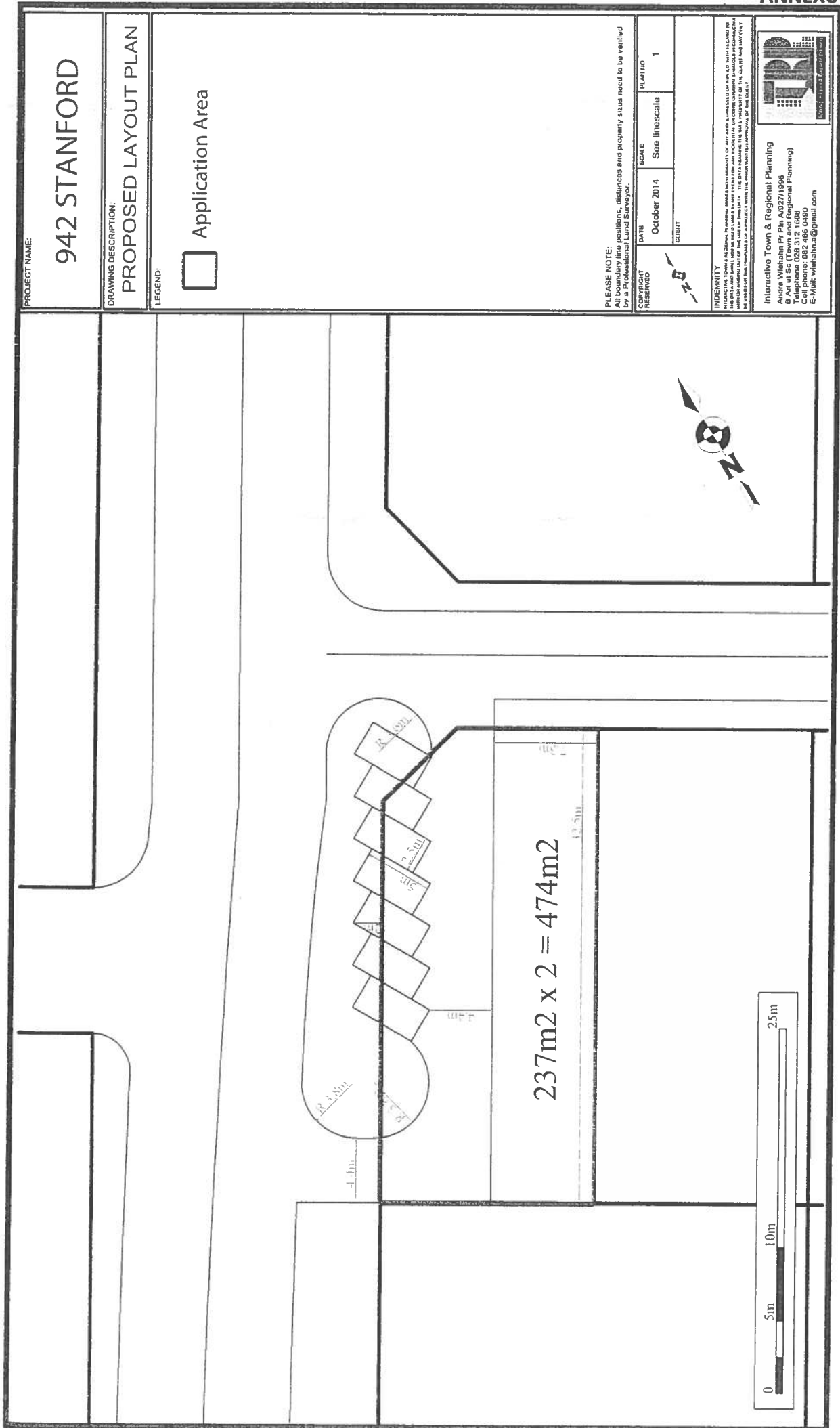
that the application for the amendment of the Overstrand Spatial Development Framework (2006) to change the reservation of Erf 942, Stanford from residential purposes to commercial purposes, **be approved**.

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	9 MARCH 2016
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TARGET DATE TO INFORM OBJECTOR :	N/A



LIGGINGPLAN / LOCALITY PLAN
 ERF 942 STANFORD





PROJECT NAME:

942 STANFORD

DRAWING DESCRIPTION:

PROPOSED LAYOUT PLAN

LEGEND:



Application Area

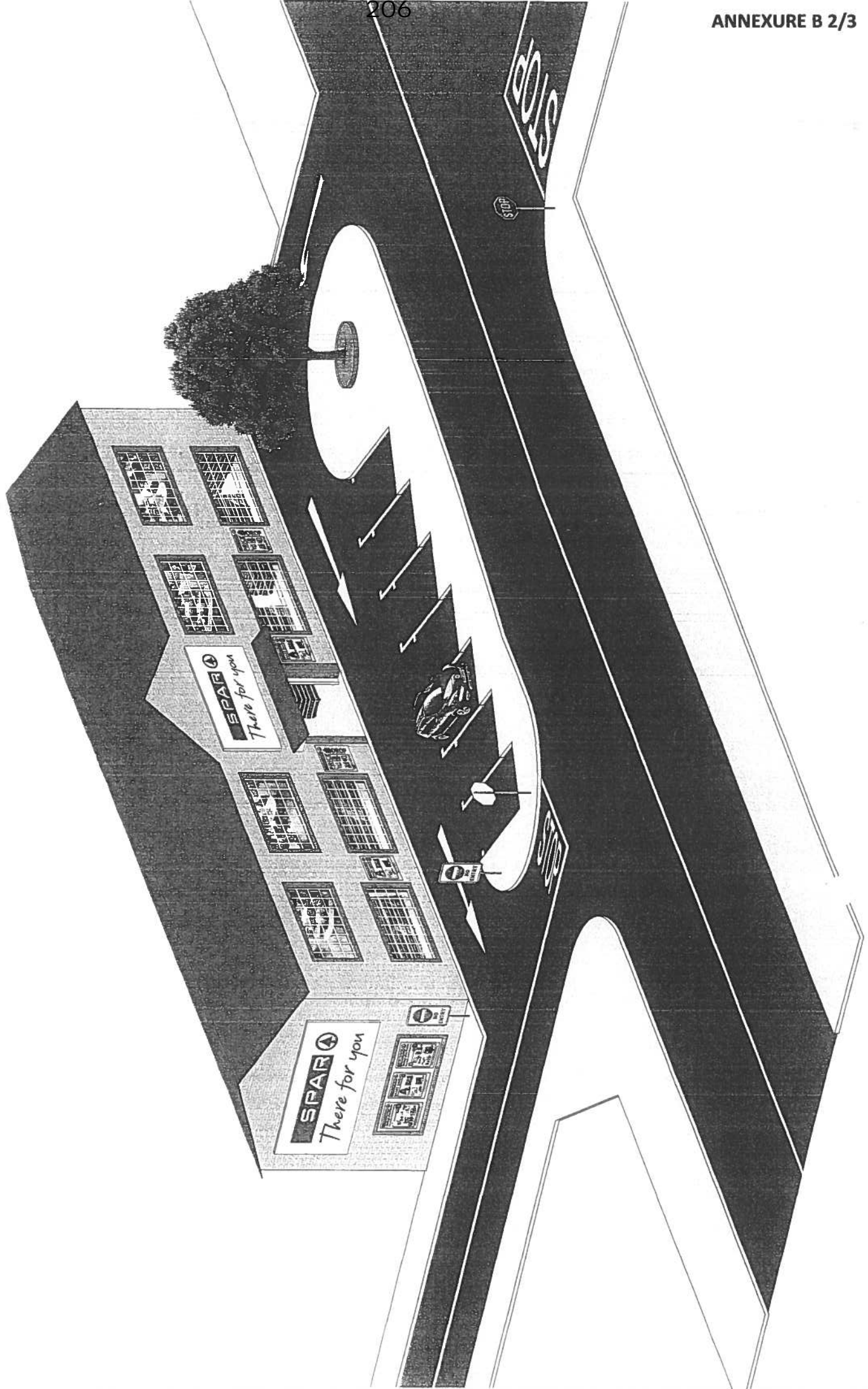
PLEASE NOTE:
All boundary lines, positions, distances and property sizes need to be verified by a Professional Land Surveyor.

DATE	October 2014	SCALE	See linescale	PLANNING	1
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INDENTIFY

INTERACTIVE TOWN & REGIONAL PLANNING, MADE UP OF THE INDENTIFIED AND UNIDENTIFIED AREAS, IS A COMPANY OF THE INTERACTIVE TOWN & REGIONAL PLANNING GROUP. THE GROUP IS A COMPANY OF THE INTERACTIVE TOWN & REGIONAL PLANNING GROUP. THE GROUP IS A COMPANY OF THE INTERACTIVE TOWN & REGIONAL PLANNING GROUP.

Interactive Town & Regional Planning
 Andie Wilshin Pr. Pln. 4027/096
 & Art of Sc (Town and Regional Planning)
 Telephone 028 312 1668
 Cell phone 082 466 0460
 E-Mail: wilshin.a@gmail.com



PROJECT NAME:

942 STANFORD

DRAWING DESCRIPTION:

BUILDING LINE RELAXATION

LEGEND:

- Current building lines
- Building line relaxation

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

DATE	October 2014	SCALE	See linescale	PLANNED	1
CONTRACT RESERVED				CLIENT	

INDEMNITY
I, the undersigned, hereby certify that the information contained in this drawing is true and correct to the best of my knowledge and belief. I understand that the use of this drawing is limited to the purpose for which it was prepared and I shall not be held responsible for any errors or omissions in this drawing or for any consequences arising therefrom.

Interactive Town & Regional Planning
 8445 York Rd. #2271996
 Bldg 4500
 Telephone 028 312 1868
 Cell phone: 082 466 0490
 E-Mail: wjwhltn@gmail.com