Minute No. 48
Report - Standing Policy Committee on Property and Development - October 28, 2008

Item No. 2 Subdivision and Rezoning - 263/265 Henderson Highway (Elmwood-East Kildonan Ward) File DASZ 21/2008

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision under File DASZ 21/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated October 9, 2008, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 21/2008 dated October 9, 2008, to an "RMF-L" Residential Multi-Family District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the height of the building be restricted to 28 feet (8.534 metres).

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

Report - Standing Policy Committee on Property and Development - October 28, 2008

COUNCIL DECISION (continued)

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development – October 28, 2008

DECISION MAKING HISTORY:

Moved by Councillor Fielding,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 12, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 28, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, as amended, and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 20, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment, namely:

- That Recommendation No. 2.A.ii. be amended by substituting the words “25 feet” with the words “28 feet (8.534 metres)”

and forwarded to the Standing Policy Committee on Property and Development.

On September 15, 2008, the East Kildonan-Transcona Community Committee did not hear any representations on the application and further adjourned the public hearing to its meeting on October 20, 2008.

On July 7, 2008, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on September 15, 2008, to afford the applicant an opportunity to convene an open house forum for information sharing with the area residents.

RE: **Subdivision and Rezoning – 263/265 Henderson Highway**
File DASZ 21/2008 [c/r DAV 123127/2008D]

For submission to: **Standing Policy Committee on Property and Development**

Prepared by: **Monique Wright, Clerk**
East Kildonan-Transcona Community Committee

Report date: **October 22, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 20, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 21/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated October 9, 2008, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 21/2008 dated October 9, 2008, to an "RMF-L" Residential Multi-Family District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the height of the building be restricted to ~~***25 feet***~~ ***28 feet (8.534 metres)***.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

1. The East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the revised report of the Planning and Land Use Division dated October 9, 2008.

2. This is a good redevelopment of an under-utilized (under capacity) property.

3. The redevelopment will result in infill housing which is needed and wanted by the community.

PUBLIC HEARING SUMMARY

File: DASZ 21/2008 [c/r DAV 123127/2008D]

Before: East Kildonan-Transcona Community Committee
Councillor Wyatt, Chairperson
Councillor Browaty
Councillor Thomas

Public Hearing: October 20, 2008
September 15, 2008
July 7, 2008
755 Henderson Highway

Applicant: McGowan Russell Design Group Inc. (Susan Russell)

Subject:



Premises Affected: 263/265 Henderson Highway

Exhibits Filed:

1. Application dated June 5, 2008
2. Notification of Public Hearing dated June 5, 2008
3. Title Search 2203836
4. Letter of authorization dated May 29, 2008 from Hercules Managements Ltd. to McGowan Russell Group Inc.
5. Plans (9 pages)
6. Report from the Planning and Land Use Division dated June 30, 2008
7. Inspection Report
8. Photographs (6), Building Elevations and Context Map submitted at the Public Hearing by Susan Russell
9. Audio Recording of representations of Public Hearing
10. Notice of Adjournment dated July 8, 2008
11. Inspection Report
12. Notice of Adjournment dated September 16, 2008
13. Revised Report from the Planning and Land Use Division dated October 9, 2008
14. Audio Recording of representations of Public Hearing

REPRESENTATIONS:

In Support:

David Billinkoff
Susan Russell, McGowan Russell Design Group Inc.

In Opposition:

Ben Cook
Robert Declaire and Carol Rondeau
Darcy Geirnaert
Mark Giesbrecht
Mary Anne K. Serbyniuk
Valerie Denesiuk

For Information:

Ingrid Jarowec
Kevin Kuhnel
J. Marques

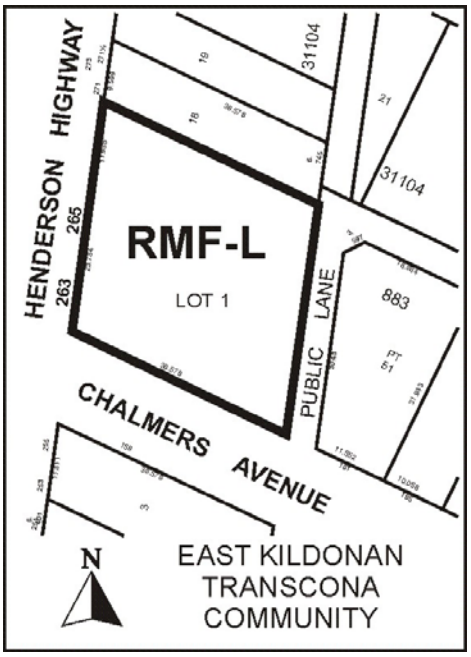
Exhibit "13" referred to in File DASZ 21/2008

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **October 9, 2008**
File: **DASZ 21/08**
Related Files: **DAV 08-123127/D**
Subject: **Rezone and consolidate two lots into one lot to convert an existing building into a 20 unit multiple family dwelling.**

Location: 263 Henderson HWY
Legal Description: LOT 16/17, PLAN 31104 46/8 ST J



Applicant: Susan Russell McGowan Russell Design Group Inc.
120 FORT ST SUITE 200

Owner: HERCULES MANAGEMENTS LTD
8951 ROBLIN BLVD
HEADINGLEY MB R4J 1B8

Recommendation: **Approve**

Report Summary:

- Hercules Managements Ltd wants to rezone the subject property to facilitate the renovation of the existing building into a twenty (20) unit multiple family dwelling.
- The building will be two stories in height (24.10 feet).
- Parking for eleven (11) vehicles will be from the rear public lane on the adjacent property to the north, which will be consolidated with the building's lot.
- The building suites will range from 602 square feet to 974 square feet on the main floor; and 634 square feet to 975 square feet.

Site Description

- The subject property is **13,400 sq. ft.** located on the north east corner of Chalmers Avenue and Henderson Hwy in the Chalmers neighbourhood of the Elmwood – East Kildonan Ward.
- The site is zoned **C2 Commercial Community District** and is occupied by a vacant two story building.
- Adjacent properties include residential dwellings to the north zoned C2.
- Surrounding lands include single family dwellings zoned "R1-S" along Chalmers; and commercial land-uses to the along both sides of Henderson zoned C2.

Background

The "Cue Club" with licensed Dinning Room, Cocktail Lounge, Billiard Parlour was established under appeal orders DCU 237A/96C and DAV 760A/96C (with conditions) for a period expiring on December 31, 1999. The Standing Policy Committee on Property and Development denied subsequent applications DAV 93A/98C and DCU 31A/98C. The Standing Policy Committee on Property and Development approved shortly thereafter DAV 201A/99C and DCU 88A/99C for a period ending on December 31, 2001.

On July 09, 2008, the East Kildonan-Transcona Community Committee adjourned the public hearing to afford the applicant an opportunity to convene an open house forum for information sharing with the area residents.

On July 23, 2008 the applicant held a Public Open House at the St Alphonsus Hall.

On September 15, 2008, the East Kildonan-Transcona Community Committee did not hear any representations on the application and further adjourned the public hearing to its meeting on October 20, 2008 due to Councillor Thomas being absent.

By-law 223/2007 adopted by Council on December 19th, 2007 states that:

"where a Public hearing sunder subsection (1) to consider a proposed zoning or subdivision approval by-law . . .is scheduled before a community committee, the hearing must not be adjourned or laid over to a date later than the second regularly scheduled meeting of that committee after the meeting at which the hearing is first scheduled."

Description of the Proposed Development

Hercules Managements Ltd wants to rezone the subject property to facilitate the renovation of the existing building into a twenty (20) unit multiple family dwelling. The adjacent parking area will be consolidated on the same land title with the building and will provide eleven (11) parking stalls and 8 bicycle racks.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

SECONDARY PLAN
Henderson Highway Corridor Action Area Plan
The **Henderson Highway Corridor Action Area Plan** (HHCAAP) was approved by City Council on February 2, 1983. The redevelopment of existing commercial properties is promoted, but not the conversion of residential properties to commercial. A majority of residential properties along the Highway tend to be predominantly well maintained, with very few in decline. Well-maintained properties are especially noted along the section of Henderson Highway that has been the primary target for commercial redevelopment in the past.

ZONING
- **R1-S Single Family Residential District – Small** is intended to accommodate primarily single family residential development in lower-density neighbourhood. There is a minimum lot size of 2,500 square feet. A side yard of 4 feet is required.

- **C2 Commercial Community District** is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots.

- **RMF-L Residential Multi-Family District – Large** is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. There is a front & rear yard requirement of 25 feet and the maximum building

height is 150 feet. The minimum lot width is 25 feet and lot area 20,000 square feet (400 square feet per dwelling unit).

- **RMF-M Residential Multi-Family District – Medium** is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. There is a front & rear yard requirement of 25 feet and the maximum building height is 60 feet. The minimum lot width is 25 feet and lot area 9,000 square feet (800 square feet per dwelling unit).

LAND USE BY-LAW ISSUES

- The development also requires variances related to substandard yards, substandard lot area for the building; and substandard yards, substandard parking stall dimensions for the parking area (DAV 08-123127/D).
- The variances may be appealed to the Appeals Committee for an additional public hearing, whereas the recommendation by the Community Committee for a rezoning proceeds to Council without an additional public hearing.
- The property is **13,400 sq. ft.** square feet and under the proposed **RMF-L**, would permit 33 dwelling units.
- The existing C2 Commercial District permits 16 dwellings units out right.

TRANSPORTATION AND SITE ACCESS

- The existing rear lane connecting to Chalmers will be used to access the property.
- Parking for eleven (11) parking stalls and 8 bicycle racks will be from the rear public lane.
- Garbage pick-up will be from the public lane.
- There is a public sidewalk on Henderson Hwy and Chalmers Avenue.

TRAFFIC AND INFRASTRUCTURE IMPACTS

- The # 11 Portage-Kildonan has stops nearby with service approximately every 10 minutes during the day connecting Henderson Hwy to Downtown Winnipeg.
- The #20 Watt-Academy has stops nearby with connecting Johnson Avenue via Hespler and Main Street.
- The #45 Talbot has a stop 12 minutes away by walk that connects Henderson Hwy via Nairn Avenue to Kildonan Place Mall.
- Stantec has submitted a report indicating this will be a 'Transit Orientated Development': the proposed stall allotment will strongly favour those tenants who do not rely on a private vehicle; the proposed marketing strategy will target tenants without private vehicles.

SERVICING ISSUES

From a Water and Waste Department perspective, this redevelopment proposal should be fine. Lots of water available. Large combined sewer in Henderson and the magnitude of the increased flow from this development is not big. Land drainage should be restricted to pre-proposed development rates less an amount to offset the increase in wastewater flows, but that can be easily accommodated with rooftop storage given that the property is already completely impervious.

SITE DESIGN ISSUES

- The existing building enveloped will be used, which has no front, side or rear yard.
- Landscaping will be planted in a planter along the Henderson Hwy frontage of the parking area.
- A garbage enclosure will located in the north east corner of the lot with access from the rear public lane.
- The parking area will be asphalt with a pedestrian access along Henderson Hwy.
- The building's entrances will on the west side, abutting Henderson Hwy; and the east side along the rear public lane.
- The building suites will range from 602 square feet to 974 square feet on the main floor; and 634 square feet to 975 square feet.
- There will be 10 suites on each floor.
- Thirteen (13) suites will be 1 bedroom – each suite will have bedroom(s), bathroom, kitchen / living room.

LAND DEDICATION

It will be recommended that the Developer pay cash in lieu of dedication of land for public open space.

Recommendation

The Planning and Land-Use Division supports the rezoning and subdivision.

- The proposed zoning designation will further diversify the type of dwellings available in the neighbourhood providing a mix of lot sizes and types.
- Main street commercial areas such as Old Transcona, Provencher Boulevard (Old St. Boniface), Corydon Avenue, St. James Village, Old St. Vital, Old Elmwood, and Osborne Village are similar in that buildings are set along the front lot lines with limited parking at the rear and parking provided on the 'main' street.
- These old village centres, and historic 'downtowns' are orientated in such a manner as to provide a pedestrian friendly streetscape rather than the auto-oriented development found in most suburbs with building located at the front of the property lines.
- They are urban in character, look and function, and parking is typically not provided at the same level as the suburbs.
- The nearest of local shops along with major transit connections to downtown and Kildonan Shopping Centre supports the developers plans for a 'Transit Orientated Development' with limited vehicle parking.

The only concern is in regards to the possibility of the applicant changing the building and site design. The applicant should be encouraged to reconstruct the façade to ensure the deign has a strong residential characteristics that enhances the streetscape. The applicant may also be requested to construct a wood barrier, privacy fence against the neighbour to the north if such a fence does not exist. And the garbage containers need to be fully enclosed with screening.

Requirement for site plan approval from the East Kildonan – Transcona Community Committee will address these issues.

Recommended Conditions of Approval

1. That the plan of subdivision under File DASZ 21/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated October 9, 2008 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 21/2008 dated October 9, 2008 to a "RMF-L" Residential Multi-Family District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

      i. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

      ii. That the height of the building be restricted to 25 feet.

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9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: John S. Wintrup
PPD File # DASZ 21/2008

Schedule "A"

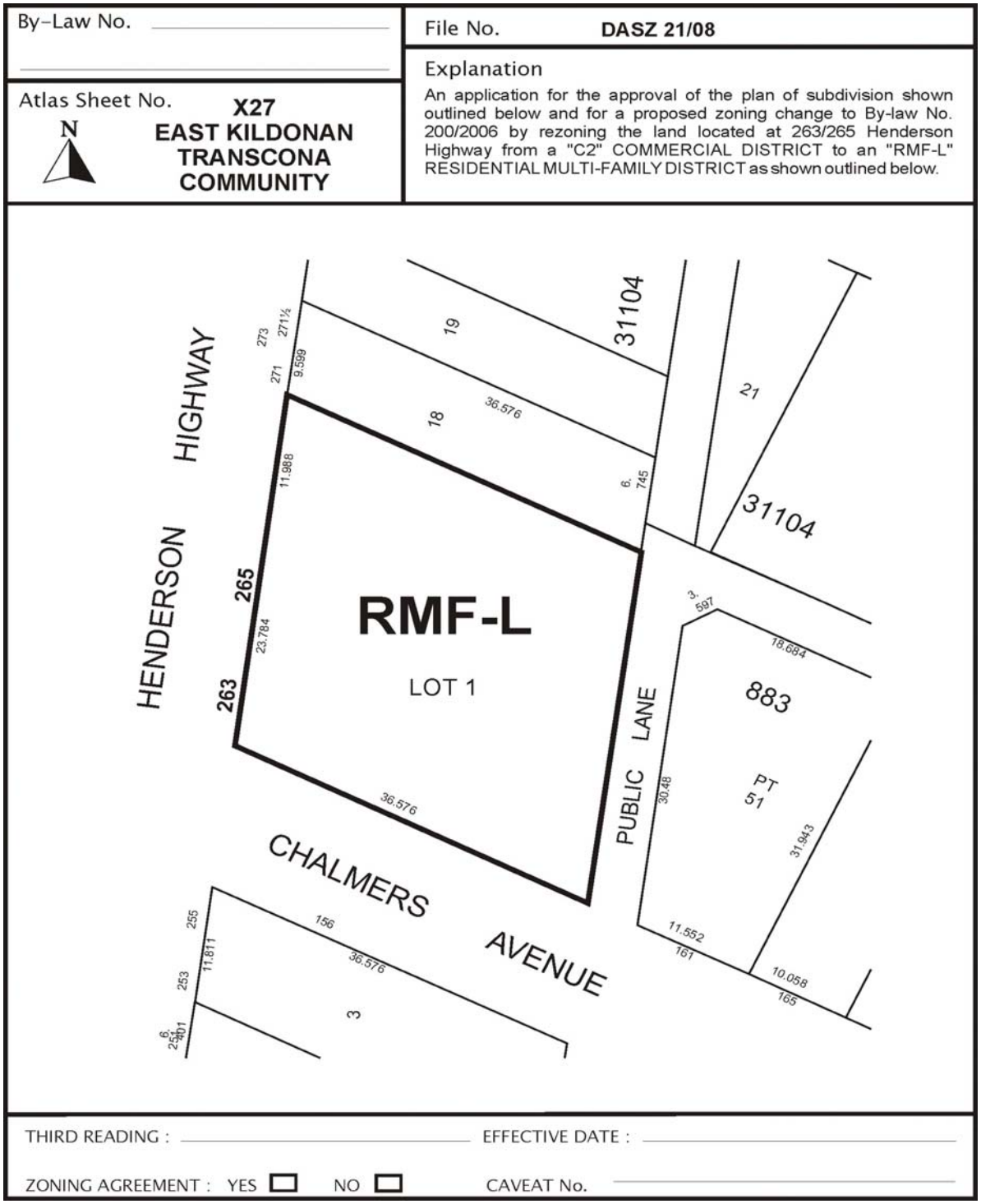


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 21/2008, dated October 9, 2008.



Figure 2: Existing Land-Uses for subject property and Surrounding Area.

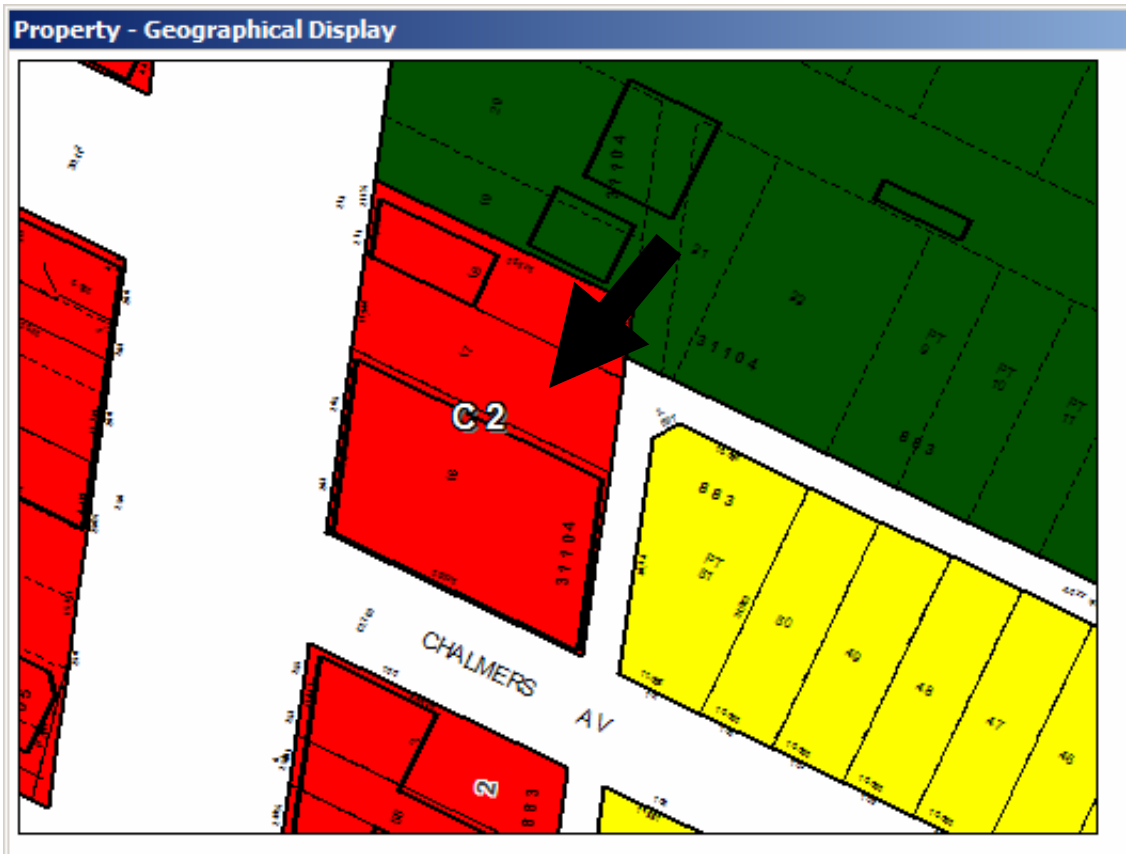
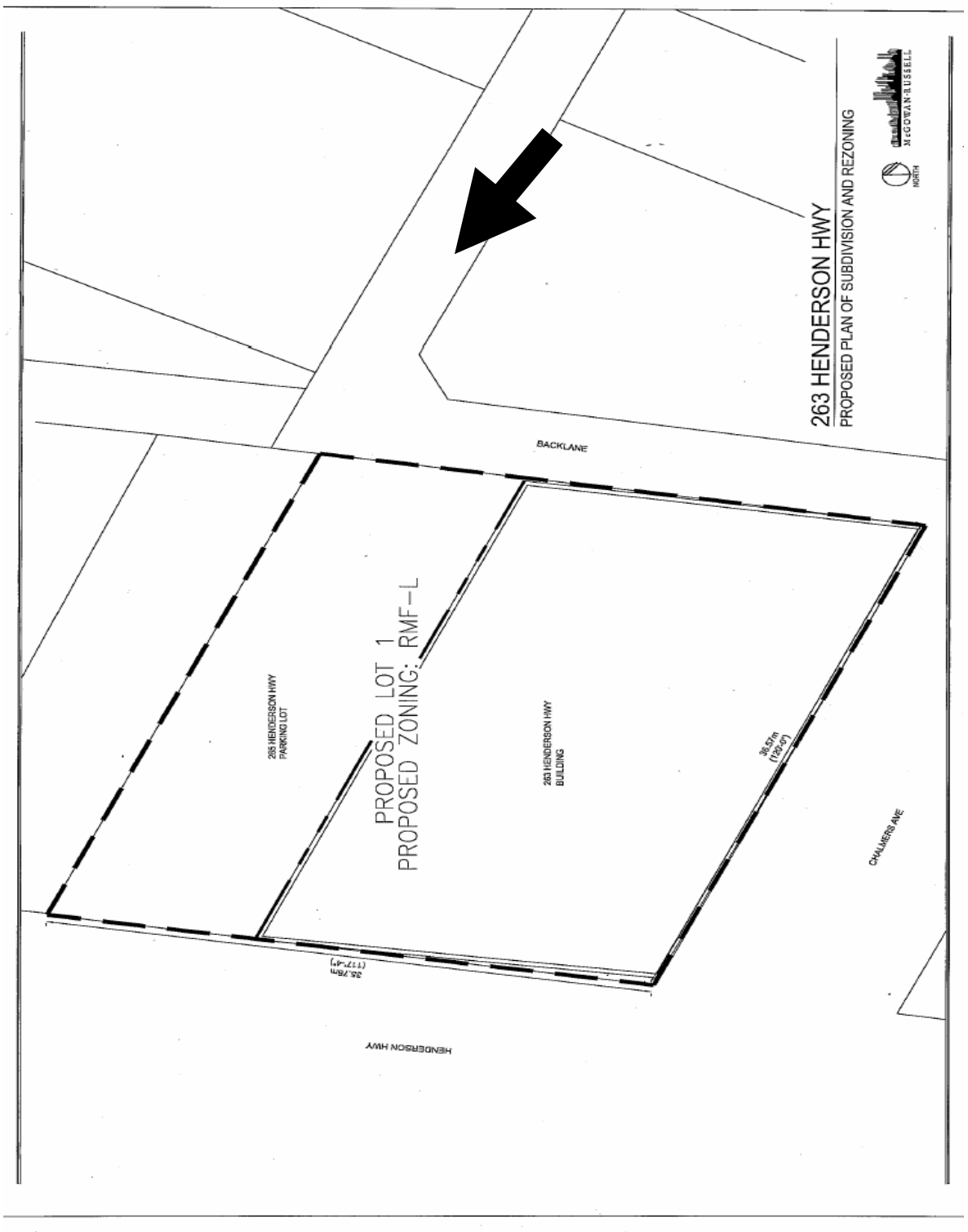
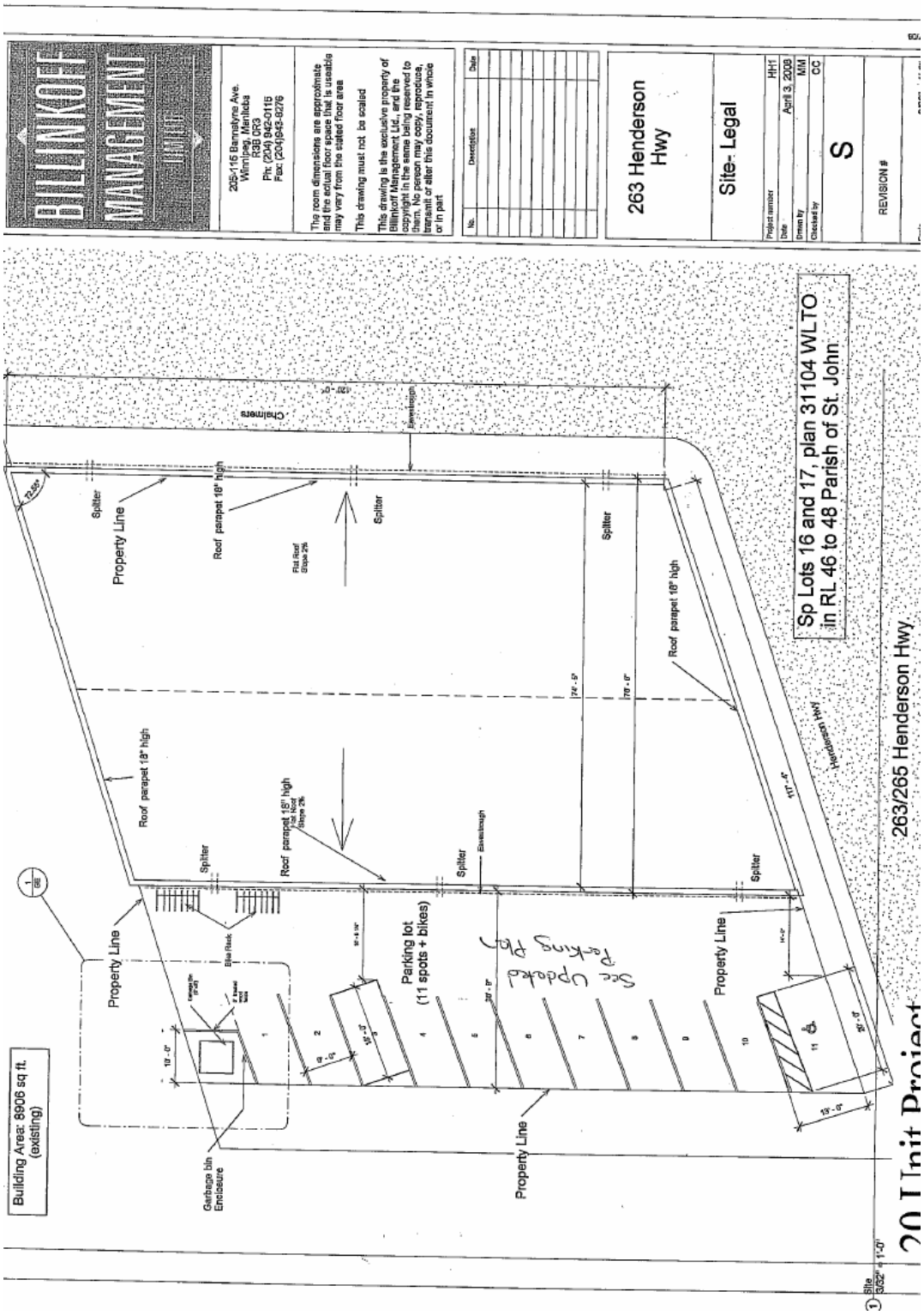
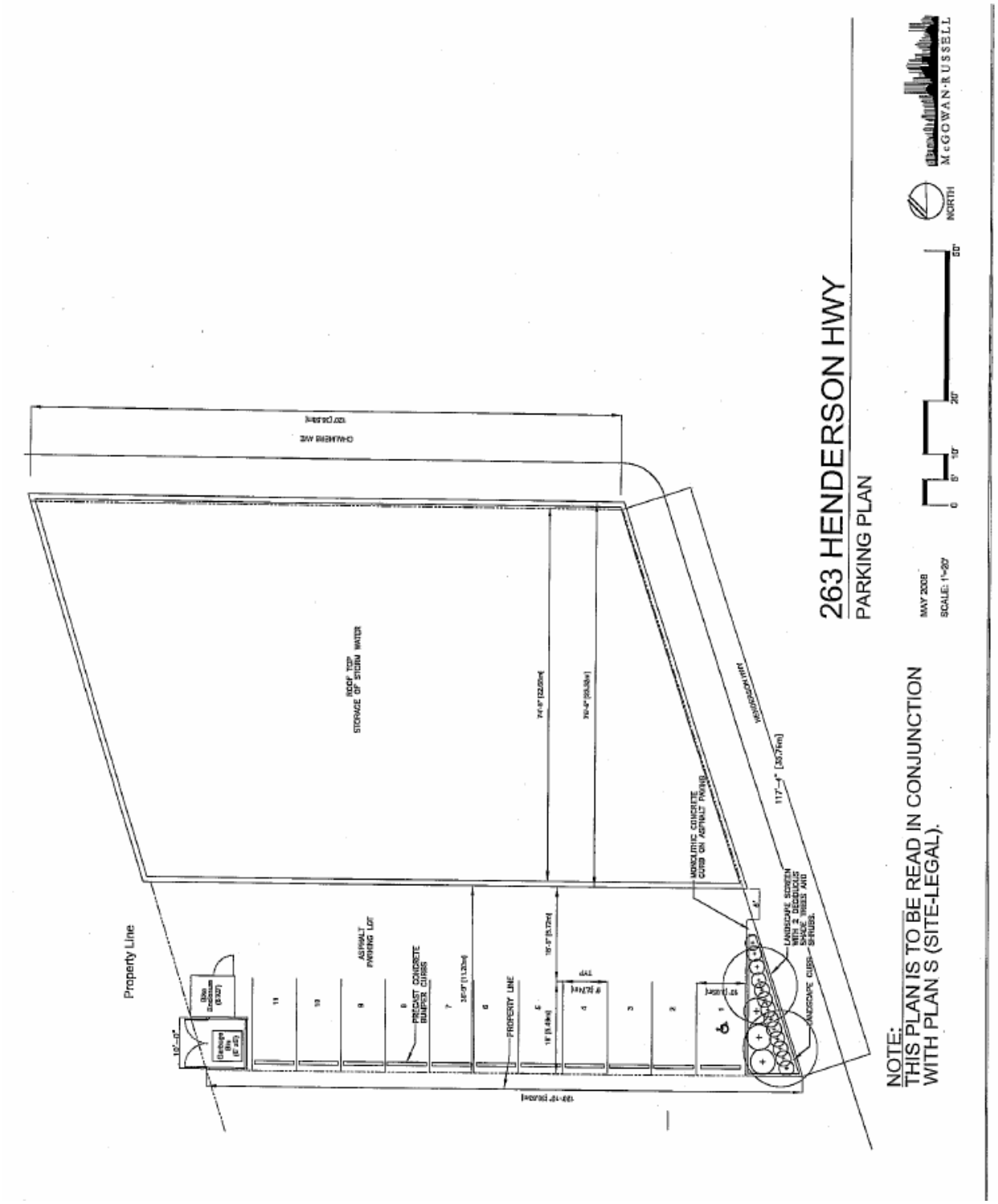


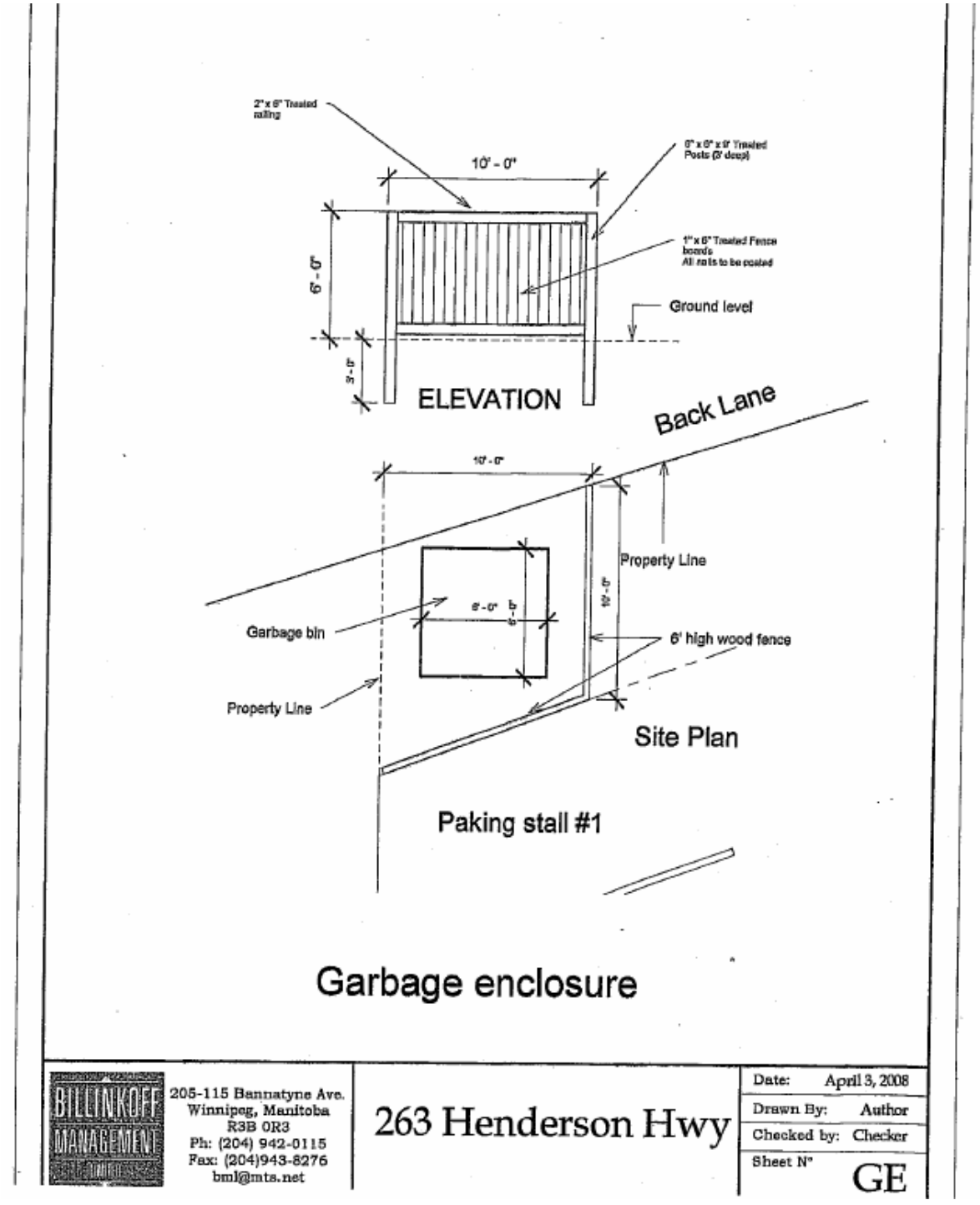
Figure 3: Existing Zoning for subject property and Surrounding Area.

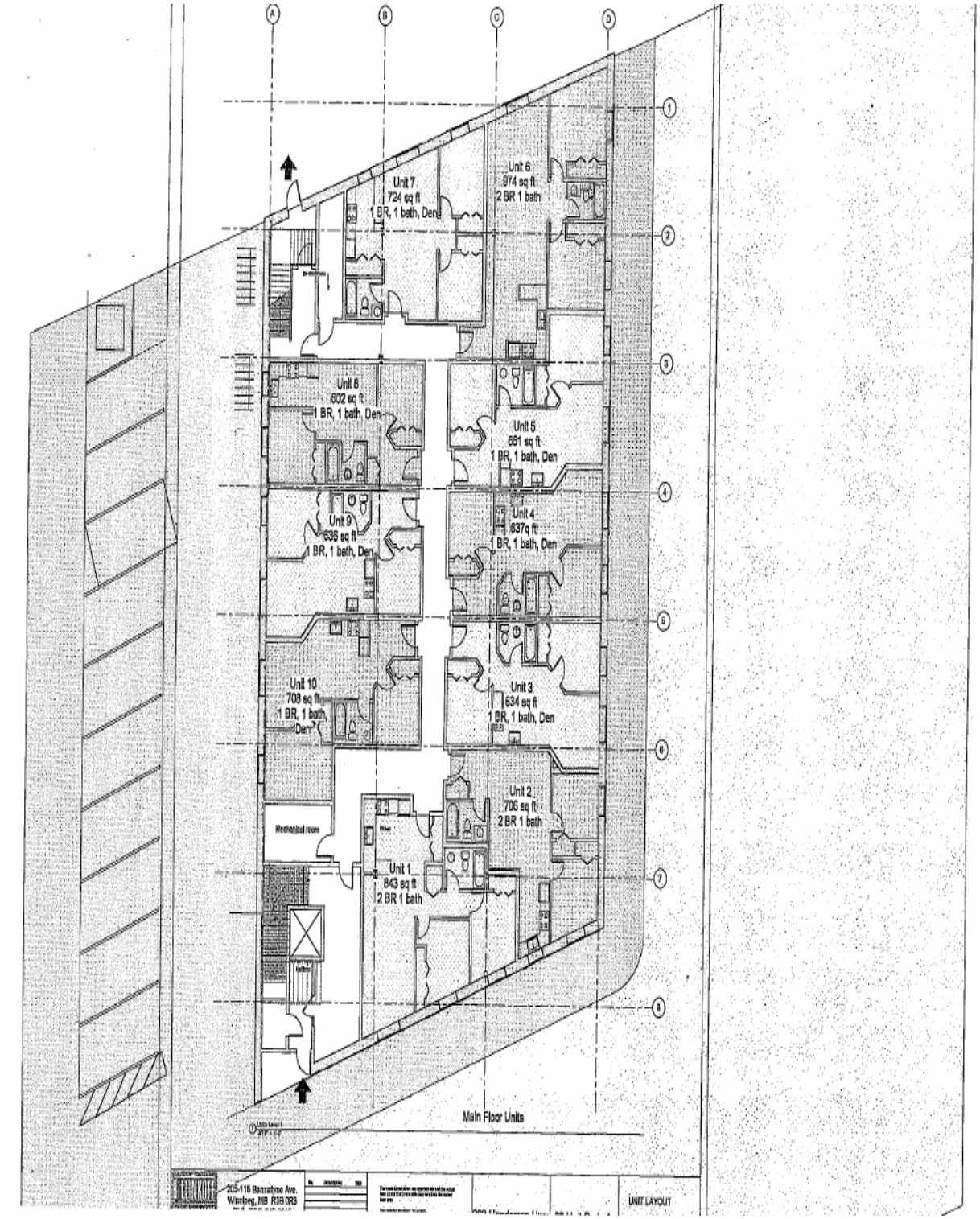
Exhibit "5" referred to in File DASZ 21/2008 [c/r DAV 123127/2008D]

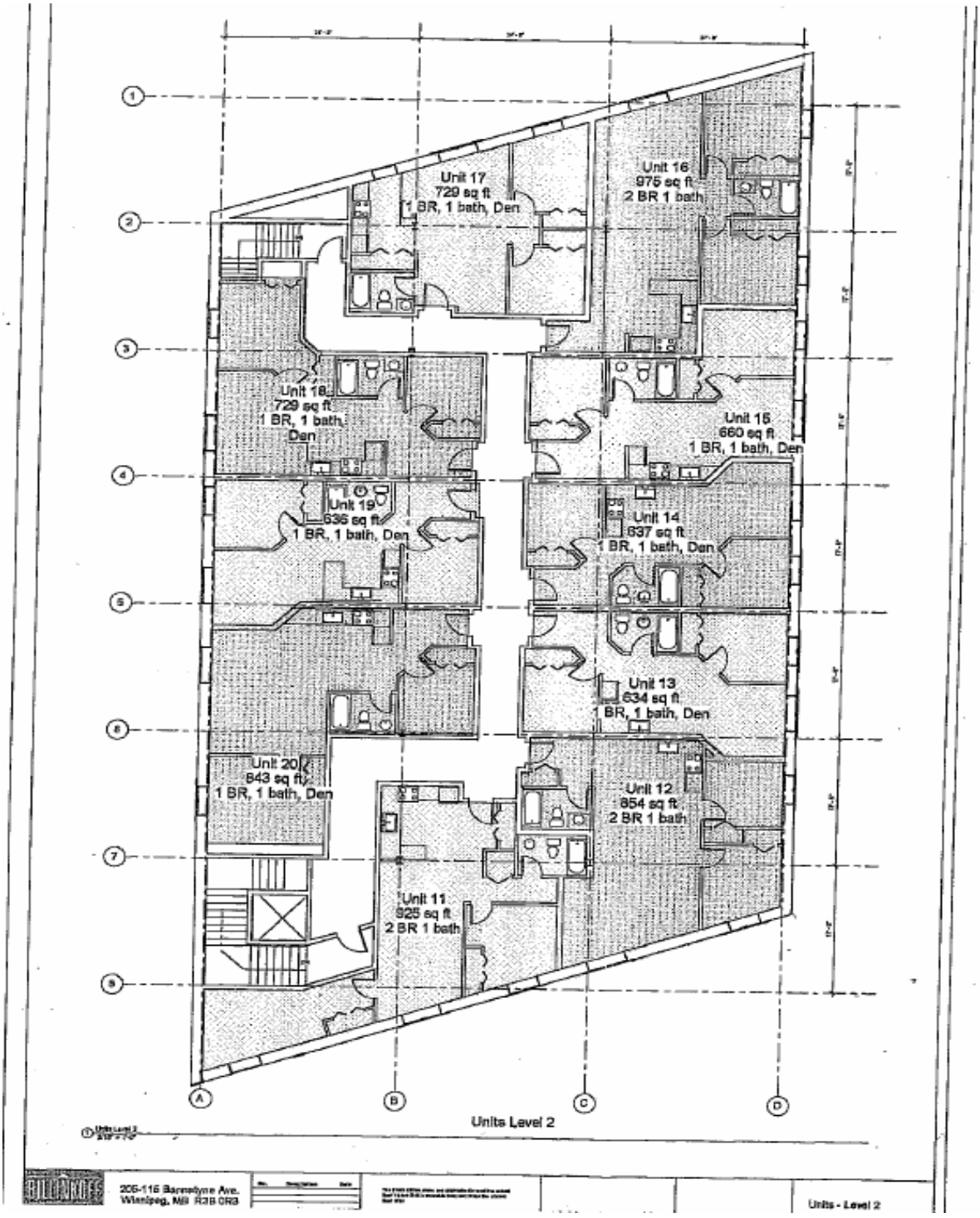


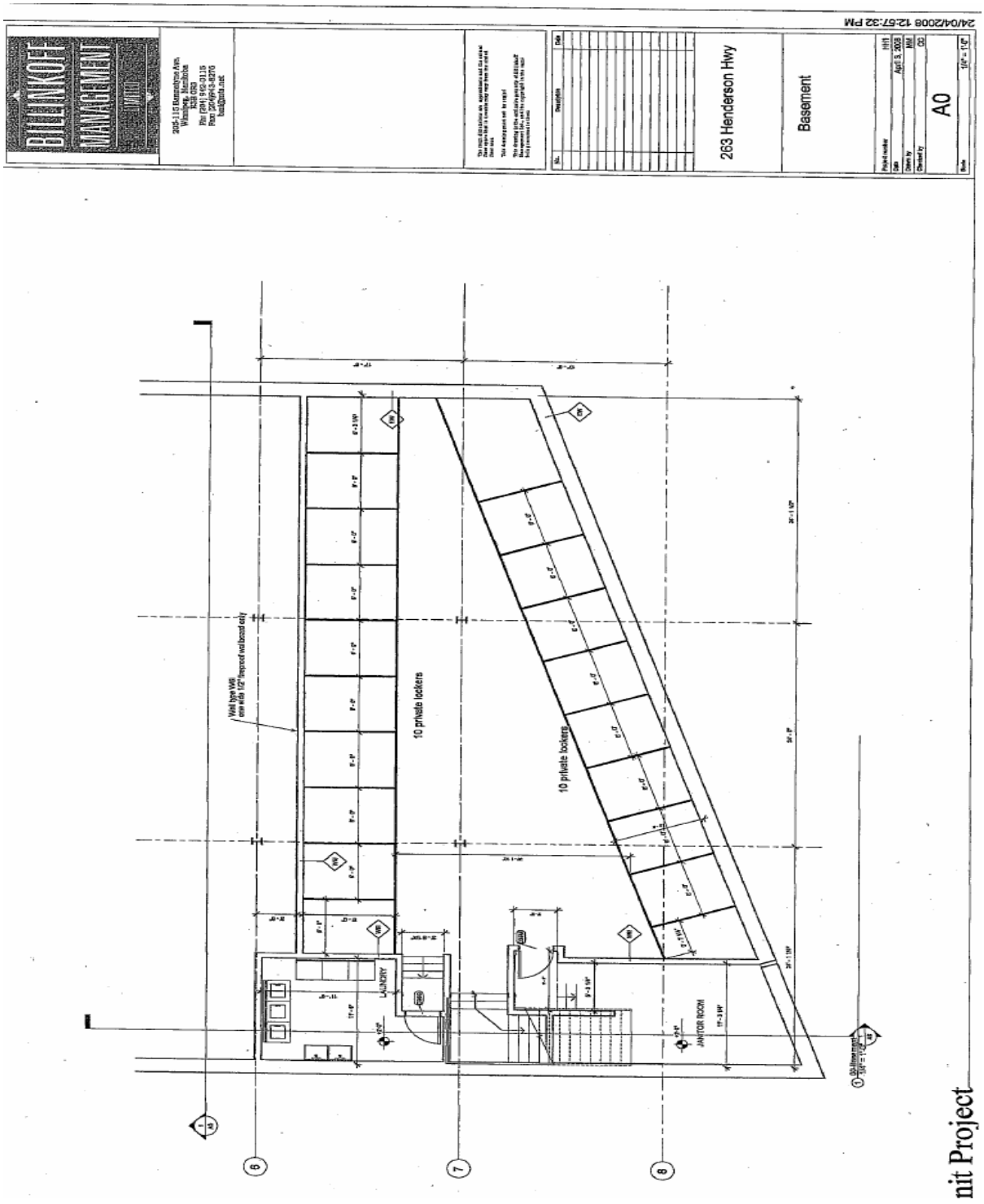

BILLINKOFF MANAGEMENT
205-115 Bannatyne Ave.
Winnipeg, Manitoba
R3B 0R3
Ph: (204) 942-0115
Fax: (204)943-8276
The room dimensions are approximate and the actual floor space that is useable may vary from the stated floor area
This drawing must not be scaled
This drawing is the exclusive property of Billinkoff Management Ltd., and the copyright in the same being reserved to them. No person may copy, reproduce, transmit or alter this document in whole or in part
No.
Description
Date
263 Henderson Hwy
Site- Legal
Project number HH1
Date April 3, 2008
Drawn by MM
Checked by CC
S
REVISION #
Sp Lots 16 and 17, plan 31104 WLTO in RL 46 to 48 Parish of St. John
263/265 Henderson Hwy
Building Area: 8906 sq ft. (existing)
Property Line
Roof parapet 18" high
Splitter
Parking lot (11 spots + bikes)
See Updated Parking Plan
Garbage bin Enclosure
Bike Rack
Chalmers
Henderson Hwy
Site 3/32" = 1'-0"

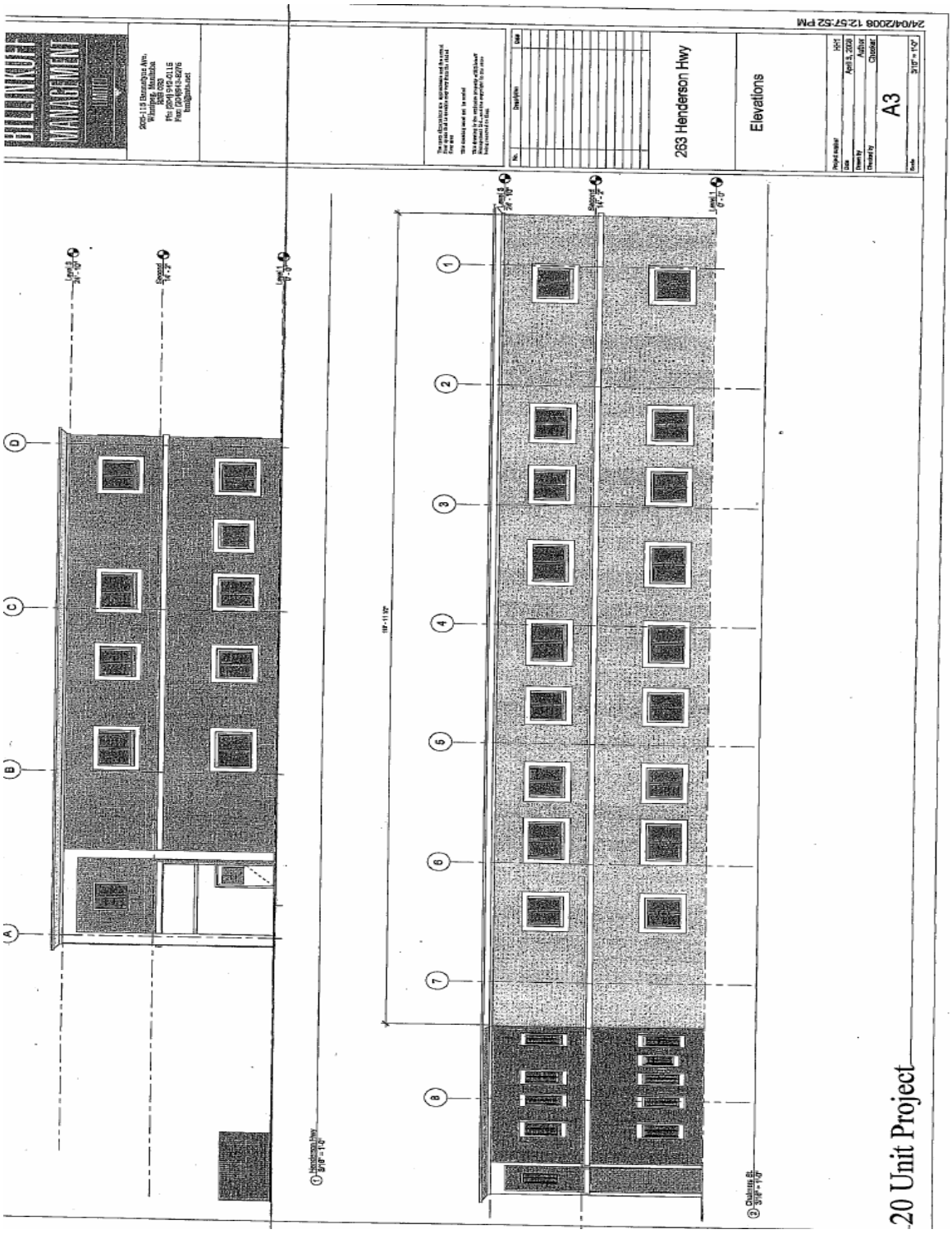

263 HENDERSON HWY
PARKING PLAN
MAY 2008
SCALE: 1"=20'
NORTH
McGOWAN·RUSSELL
NOTE:
THIS PLAN IS TO BE READ IN CONJUNCTION WITH PLAN S (SITE-LEGAL).
Property Line
ROOF TOP STORAGE OF STORM WATER
ASPHALT PARKING LOT
PRECAST CONCRETE BUMPER CURBS
PROPERTY LINE
LANDSCAPE SCREEN WITH 2 DECIDUOUS SHADE TREES AND SHRUBS
LANDSCAPE CURB
MONOLITHIC CONCRETE CURB OR ASPHALT PAVING
HENDERSON HWY
117'-4" [35.76m]

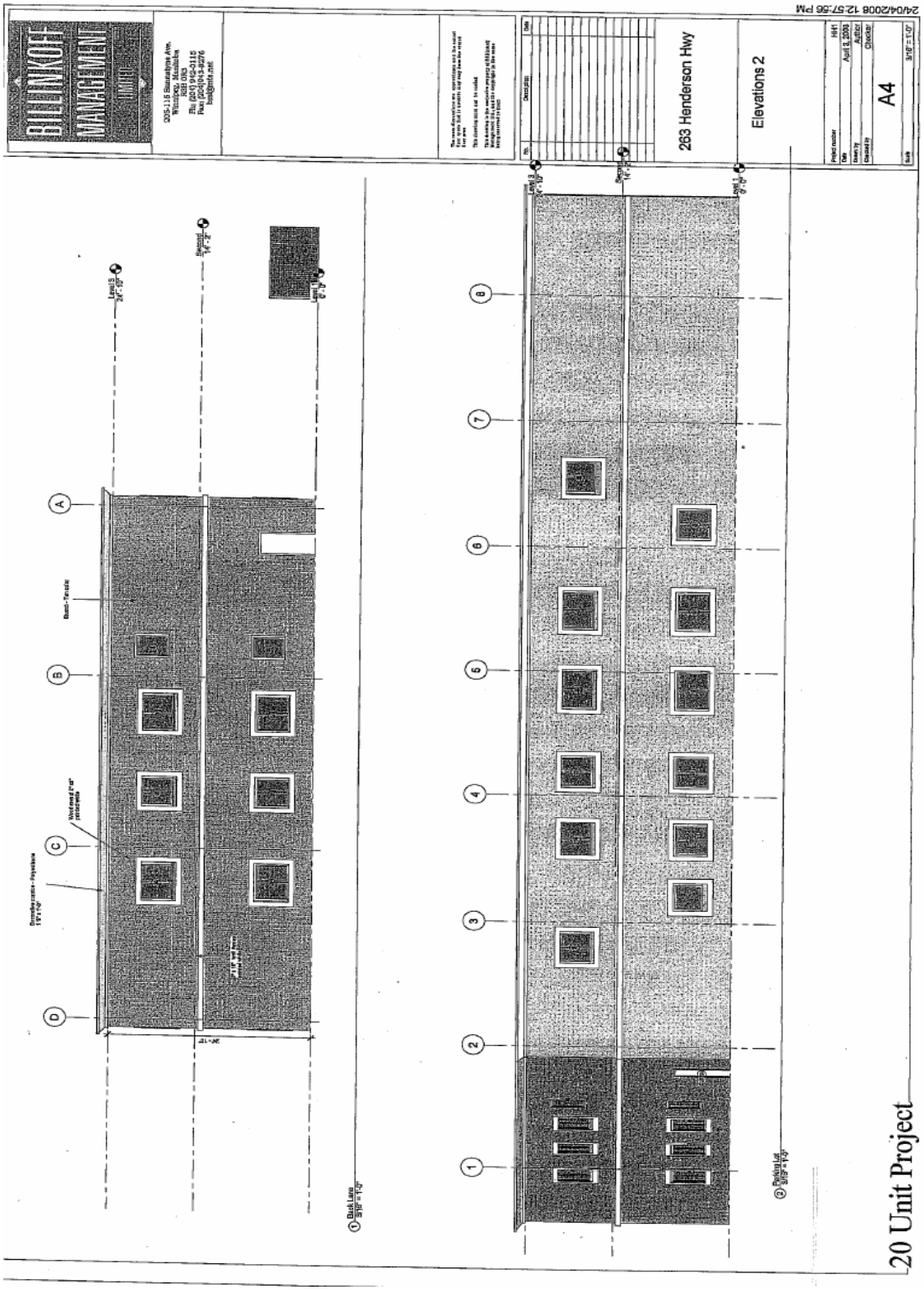

2" x 6" Treated railing
10' - 0"
6" x 6" x 9' Treated Posts (3' deep)
1" x 6" Treated Fence boards All nails to be coated
6' - 0"
Ground level
3' - 0"
ELEVATION
Back Lane
10' - 0"
Property Line
10' - 0"
8' - 0"
6' - 0"
Garbage bin
6' high wood fence
Property Line
Site Plan
Paking stall #1
Garbage enclosure
BILLINKOFF MANAGEMENT LIMITED
205-115 Bannatyne Ave.
Winnipeg, Manitoba
R3B 0R3
Ph: (204) 942-0115
Fax: (204)943-8276
bml@mts.net
263 Henderson Hwy
Date: April 3, 2008
Drawn By: Author
Checked by: Checker
Sheet N° GE


A
B
C
D
1
2
3
4
5
6
7
Unit 7
724 sq ft
1 BR, 1 bath, Den
Unit 6
974 sq ft
2 BR 1 bath
Unit 8
602 sq ft
1 BR, 1 bath, Den
Unit 5
661 sq ft
1 BR, 1 bath, Den
Unit 9
635 sq ft
1 BR, 1 bath, Den
Unit 4
637q ft
1 BR, 1 bath, Den
Unit 10
708 sq ft
1 BR, 1 bath
Den
Unit 3
634 sq ft
1 BR, 1 bath, Den
Unit 2
706 sq ft
2 BR 1 bath
Mechanical room
Unit 1
843 sq ft
2 BR 1 bath
Main Floor Units
205-116 Bannatyne Ave.
Winnipeg, MB R3B 0R3
UNIT LAYOUT


Unit 17
729 sq ft
1 BR, 1 bath, Den
Unit 16
975 sq ft
2 BR 1 bath
Unit 18
729 sq ft
1 BR, 1 bath,
Den
Unit 15
660 sq ft
1 BR, 1 bath, Den
Unit 19
636 sq ft
1 BR, 1 bath, Den
Unit 14
637 sq ft
1 BR, 1 bath, Den
Unit 13
634 sq ft
1 BR, 1 bath, Den
Unit 20
843 sq ft
1 BR, 1 bath, Den
Unit 12
854 sq ft
2 BR 1 bath
Unit 11
925 sq ft
2 BR 1 bath
Units Level 2
205-115 Bannatyne Ave.
Winnipeg, MB R3B 0R3
Units - Level 2


BILLINGS MANAGEMENT
263 Henderson Hwy
Basement
A0
10 private lockers
10 private lockers
LAUNDRY
JANITOR ROOM
nit Project


263 Henderson Hwy
Elevations
A3
20 Unit Project


263 Henderson Hwy
Elevations 2
A4
20 Unit Project