



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
SEPTEMBER 13, 2012 – 7:00 P.M.**

Chairperson:	Susan Lindoo	City Administrator:	Brian Anderson
Vice-Chair:	Dan Lund	Executive Analyst:	Renee Helm
Commissioner:	Janice Anderson	Council Liaison:	Tom Ingemann
Commissioner:	Katy McElwee-Stevens		
Commissioner:	Matt Prestegaard		

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of July 12, 2012

4. APPOINTMENTS WITH COMMISSION

A. Discussion Regarding the B-2 Zoning District

5. COMMISSION & STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|-------------------------------------|--------------------|-----------|
| 1. City Council Meeting | September 20, 2012 | 5:30 p.m. |
| 2. Parks Board Meeting | September 27, 2012 | 7:00 p.m. |
| 3. Fun Walk in Bailey School Forest | September 29, 2012 | 9:00 a.m. |
| 4. City Council Meeting | October 4, 2012 | 5:30 p.m. |
| 5. Planning Commission Meeting | October 11, 2012 | 7:00 p.m. |

8. ADJOURNMENT



**City of Newport
Planning Commission Minutes
July 12, 2012**

1. CALL TO ORDER

Vice Chairperson Lund called the meeting to order at 7:00 P.M.

2. ROLL CALL -

Commissioners present –Dan Lund, Janice Anderson, Katy McElwee-Stevens, Matt Prestegaard

Commissioners absent – Susan Lindoo,

Also present – Brian Anderson, City Administrator; Renee Helm, Executive Analyst; Tom Ingemann, Council Liaison; Berry Farrington, TKDA Planner

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of May 10, 2012

Motion by Anderson, seconded by Prestegaard, to approve the April 12, 2012 minutes as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider an application from Martin Victoris for Rezoning and Minor Subdivision for property located at the corner of Ford and Valley Roads

The Public Hearing opened at 7:01 p.m.

Berry Farrington presented on this item as outlined in the July 12, 2012 Planning Commission packet.

Councilman Ingemann – Would this be considered a spot zone? I think this is considered spot zoning.

Ms. Farrington – Spot zoning is a small area zoned differently from the surrounding area. Because this is continuous with R-1 to the east I would not consider it a spot zone.

Councilman Ingemann – I think their request could be considered under a PUD as well and not change it to R-1.

Ms. Farrington – The underline zoning is B-2 and we can't have a residential property in B-2 so that would need to change.

Matt Prestegaard – Do we know the intent of the B-2 zoning?

Admin. Anderson – I'm not sure of when that was zoned to B-2. It could have been back in the 90's.

Matt Prestegaard – Looking at the map it seems a large part of the B-2 zone is residential today but it appears that at the time it was zoned we were optimistic that there would be more commercial use there.

Councilman Ingemann – What you could do is change the parcels from east of the bank to R-1 since they're all residential properties anyways. That way you're not spot zoning.

Admin. Anderson – I think we have to go through a public hearing to change that so it would need to be at a separate time.

Dan Lund – So what you're saying is it sets a dangerous precedence?

Councilman Ingemann – Correct. All you have to do is change a couple lots to R-1. Put it on the agenda to change those.

Admin. Anderson – We can do that at a future meeting.

Katy McElwee-Stevens – Tom, are you saying that it's illegal to do a spot zoning or it's not good practice?

Councilman Ingemann – It's not good practice.

Matt Prestegaard – I think that's a good future discussion. Item #6 regarding Park Dedication requirements, could you clarify that?

Ms. Farrington – With every subdivision you would either collect a fee for every lot created or get land. Since this is a small development you wouldn't want to put a park there.

Admin. Anderson – It's been a while since we've had one of these so I'll be discussing the fee with Sherri.

Janice Anderson – Looking at the B-2 zoning. Isn't the whole NE corner the water retention pond that was just developed?

Admin. Anderson – Yes, we'll be revising the map to reflect that.

Janice Anderson – This recommendation is existing four lots. Was there any consideration for it to become two lots instead of three?

Admin. Anderson – There was some consideration. I think there was an economy factor in it as well.

Janice Anderson – Ok. It's interesting that the largest parcel has the smallest garage and smallest house.

Martin Vietoris – The dotted lines are showing the buildable area, not necessarily the house and garage. We're anticipating a 1,000 sq ft house. I wanted to put four lots in there but I knew that wouldn't fly so I put three on there. I'm not anticipating that any of these homes will have basements so they need a large garage for storage.

Janice Anderson – So what you're saying is that the largest lot has a smaller buildable area? Is that because of slopes?

Mr. Vietoris – No, it's due to setbacks because it's a corner lot.

Ms. Farrington – Mr. Vietoris do you think the garages will be under 900 sq ft then?

Mr. Vietoris – Yes

Ms. Farrington – Then I don't think we need flexibility from the 25% lot coverage standard then, you should be able to meet it.

Mr. Vietoris – Yes, I just don't want to be limited to under 500 sq ft with the garage because of having no basement.

Ms. Farrington – I would make a recommendation then, I would suggest that the exact footprint of the house and garage be a certain limit. He said 900 sq ft for the garage.

Matt Prestegaard – By square footage or percentage?

Ms. Farrington – I think a 30% maximum would cover it.

Mr. Vietoris – I have two questions. First, item number 2 says to finalize a developer agreement with the City for public improvements, is there a cost to that?

Admin. Anderson – Yes, I'm not sure what the cost is yet.

Mr. Vietoris – These lots are zoned B-2 and the taxes on each lot is \$1,000/year so I've paid \$20,000 on these lots since I've owned it. I first wanted to put four narrow houses on each lot but Brian said no. We can still get something financially feasible with three lots in the market today.

Admin. Anderson – If approved, I think we can go through this with our planners and figure out the fees.

Mr. Vietoris – Secondly, in regards to blacktopping the alley. I don't want to create a ton of runoff for the two houses on the other side of the alley by blacktopping it. I'm wondering if a class-5 alley isn't sufficient.

Janice Anderson – Aren't there other road surfaces that you can put down that the water goes through, a permeable surface that has an asphalt look to it. Is that class -5?

Admin. Anderson – No, I know what you're talking about.

Mr. Vietoris – I've used ground-up asphalt as parking surfaces and that looks pretty good and is easy to maintain.

Admin. Anderson – We can double check with our engineer to see if there are other materials out there.

Mr. Vietoris – If the City engineer and I can work together on that, that's what I'm after. I'm just worried about the amount of runoff that blacktop creates.

Dan Lund – Would you have the same problems if you created a concave alley?

Mr. Vietoris – That would work, I just want some flexibility in it with the City engineer.

The Public Hearing closed at 7:35 p.m.

Motion by McElwee-Stevens, seconded by Anderson, to approve Resolution No. P.C. 2012-5 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Executive Analyst Helm – I just want to confirm the lot coverage issue. We put that in under condition #1. The first sentence will read 'The Applicant shall submit a Final Plat that is substantially in conformance with the Preliminary Plat received by the City on June 20, 2012 with maximum lot coverage of 30%.'

Motion by Prestegaard, seconded by Anderson, to approve Resolution No. P.C. 2012-6 as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Resolution No. P.C. 2012-7

Executive Analyst Helm presented on this item as outlined in the July 12, 2012 Planning Commission packet.

Matt Prestegaard – Regarding education, it was my recollection that we were interested in finding out about the classes not requiring them.

Executive Analyst Helm – I believe the resident who was here had said that they were required before purchasing the honeybees so that’s what I was looking into.

Janice Anderson – I would expect that anyone interested in raising honeybees would have obtained some information before getting this far. Personally, I don’t believe we would need to put that restriction on the owner to prove education or require education.

Admin. Anderson – I think this may be a work in progress as well and we can amend it in the future if need be.

Dan Lund – I think we’re being more restrictive than we need to on the notices and setbacks. Do we have a notice requirement on chicken coops?

Executive Analyst Helm – No.

Dan Lund – We’re saying that bees need to be at least 150 feet from the property and that the owner needs to receive written consent from occupied property owners within 250 feet from the hive and we’re also requiring a latching fence. I think each of those is more restrictive and in combination it’s extra restrictive. The citizens who were here last time talked about shrubbery so that the bees would fly up. That seems reasonable to me. Does anyone else have suggestions?

Matt Prestegaard – I don’t have a lot of experience with honeybees but I understand that this ordinance is based on other cities and several discussions.

Dan Lund – Do you have Minneapolis’ restrictions on honeybees? I think we’re being a lot more restrictive than them.

Executive Analyst Helm – In Minneapolis, they have to be 25 feet away from the property line and must receive consent from 80% of properties within 100 feet and 100% of properties immediately adjacent.

Matt Prestegaard – We are talking about the RE District where the lots are a lot larger than Minneapolis’ lots.

Dan Lund – I think that is another restriction and it’s more than necessary to protect the rights of nearby property owners. The 150 feet from the nearest property line...

Executive Analyst Helm – That 150 feet is for all farm animals, not just honeybees.

Dan Lund – Ok, that makes a little more sense. Do we require written consent for any other animals?

Executive Analyst Helm – No, just honeybees but that restriction was found in the other cities as well.

Dan Lund – What other cities we looked at?

Executive Analyst Helm – Minneapolis, St. Paul and Oakdale.

Dan Lund – And they all allow honeybees in higher densities?

Executive Analyst Helm – Yes

Dan Lund – I would recommend to remove the restriction regarding written consent.

Executive Analyst Helm – I think the written consent is also in there due to allergies because allergies can be severe.

Dan Lund – But if 100 feet is enough for Minneapolis then I would think that 150 feet would be enough.

Councilman Ingemann – What about notification?

Katy McElwee-Stevens – I would exchange that.

Dan Lund – We’re only talking about a limited number of parcels anyways. I propose to change under Section 600.21, Subd 3(F)(2) where applicants must receive written consent to applicants must provide written notification to property owners within 250 ft from the hive.

Motion by Prestegaard, seconded by McElwee-Stevens, to approve Resolution No. P.C. 2012-7 as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

5. COMMISSION AND STAFF REPORTS

Admin. Anderson – The City did receive a grant from the Met Council to investigate and clean-up the old salvage yard along 7th Avenue. Diversified Manufacturing is interested in purchasing the entire property. We’ll also be putting in for a \$3 million grant for the Red Rock Corridor. We do have an open house on Wednesday for the transit station. Also, the new Mastertech station has opened.

6. NEW BUSINESS

No new business

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|-----------------------------------|----------------|-----------|
| 1. Open House for Transit Station | July 18, 2012 | 6:00 p.m. |
| 2. City Council Meeting | July 19, 2012 | 5:30 p.m. |
| 3. City Council Meeting | August 2, 2012 | 5:30 p.m. |
| 4. Planning Commission Meeting | August 9, 2012 | 7:00 p.m. |

8. ADJOURNMENT

Motion by Prestegaard, seconded by Anderson, to adjourn the Planning Commission Meeting at 8:04 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Susan Lindoo, Chairperson

Respectfully submitted,

Renee Helm
Executive Analyst



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Memorandum

To:	Newport Planning Commission	Reference:	B-2 Zoning District Review for September 13 PC Meeting
Copies To:	Brian Anderson, City Administrator		
	Renee Helm, Executive Assistant		
From:	Sherri Buss, Planner	Project No.:	14861.000
Date:	August 30, 2012	Routing:	

We have one more task to complete for the Livable Communities grant project that is supporting an update of the City's zoning map and ordinance to guide development of the Red Rock Station site and surrounding areas. We need to look at how the changes to the zoning map and ordinance that were made to create the MX-3 Zoning District impact surrounding zoning districts, and whether changes are needed to those districts. All of the changes should be submitted as a single Comprehensive Plan Amendment to the Metropolitan Council by the end of 2012.

Based on the recent request for rezoning in the B-2 District that is adjacent to the MX-3 District (to the east) which raised a number of questions about the current zoning in the B-2 area, it would be useful to focus on this area first.

We will have an initial discussion session on the B-2 District at our meeting on September 13. This memo and the attachments provide some background for the discussion. We will focus on the "north" B-2 area first, and will include discussion of the B-2 "south" area if time allows. The key questions for the discussion are the following:

- The area now zoned MX-3 and the area to the east were previously one large B-2 zoning district that straddled Highway 61. We have changed the area west of Highway 61 to MX-3. What is the appropriate zoning classification for the remaining area zoned B-2 to the east of the MX-3 District? Is B-2 the appropriate zoning classification for this area?
- We no longer have any area zoned B-1 in the city. Do we need the B-1 zoning classification in Newport? Are there areas that should be zoned for Business uses only now and for the long-term? If yes, how should we logically name the district(s)?

Existing B-2 District Area—Cemetery Road to 17th Street (B-2 "North District")

The City currently has 2 areas that are zoned B-2. Both are adjacent to and east of Highway 61 (see zoning map attached). The B-2 "North" area is located between Cemetery Road and 17th

Street. The B-2 "South" area is located along Highway 61 south of 11th Street. Renee Helm has completed a map that shows the existing uses in the B-2 area between Cemetery Road and 17th Street, for our discussion on September 13. Approximately half of the area is occupied by residential uses; the area also includes a variety of commercial uses, particularly along Hastings Avenue and north of 10th Street.

The commercial uses in the area include offices, restaurants, a bank, auto-oriented uses, a motel, packaging business, and animal-related businesses.

Prior to its designation as a B-2 District, the area was designated "PUD District." This district designation was intended to allow for a high degree of flexibility in uses, lot sizes, and performance standards, at a time when the future of the area was not clear. The city now uses the MX District designations to provide for flexibility in uses within district areas, and has a PUD application process that allows flexibility from some standards in all districts. The City no longer has a PUD zoning district.

Zoning Ordinance

The zoning ordinance says that the purpose of the B-2 Zoning District is the following:

- *B-2 District (Business Park/Office/Warehouse District): the intent of this district is to create high quality places to work in the community. This land use should focus on bringing in quality jobs and a high tax base. Some accessory commercial services may also be a part of this land use type to serve the large employment base. The Business Park/Office/Warehouse District is also intended to accommodate development which does not rely on high visibility from a major roadway to survive.*

Uses permitted in the B-2 District

The table below identifies the uses permitted in the B-2 Zoning District, and compares the district with the B-1 District and MX 1 and 2 Districts. (Uses in the MX-3 District were not included because the area east of Highway 61 does not include a transit station, and single-family residences are not an allowed use in the MX-3 District.)

The uses in the B-1 and B-2 districts are characterized by the following:

- Residential uses are not permitted in the B-1 or B-2 District. However, there are many single-family residences in the area currently zoned B-2. The change in classification to B-2 made these residences "nonconforming" uses. This places some restrictions on the property owners' ability to expand or replace these uses, and prohibits the redevelopment of properties in the area for new residential uses. Generally, zoning ordinances try to avoid creating large areas of "nonconforming" uses, unless there is a strong reason to believe that those uses should or will evolve into new uses in the near future.
- Allowed uses in the Business districts are identified on the table below. The P indicates Permitted Use; the C indicates Permitted with a Conditional Use Permit, A indicates allowed as an Accessory Use)
- In general, the B Districts and MX Districts allow many similar public and semi-public uses and business uses. The MX Districts often require CUP's for these uses, and the B Districts do not. This allows the City to put conditions on the non-residential uses to manage their potential impacts (such as noise, traffic) when they are adjacent to



residential areas. The B District regulations include some special requirements (such as larger setbacks) when business uses are adjacent to residential zoning districts, but the B District regulations generally assume that the district is non-residential in character.

- Uses allowed in the B districts that are not allowed in MX Districts include cemeteries, crematoriums, hospitals, National Guard centers, wholesale sales, auto sales and rental, building materials sale and service, golf courses and country clubs, auto and motorcycle racing tracks, mobile and manufactured home sales, manufacturing and warehousing. Do we need to allow for these uses in the City? If yes, in which locations?
- Uses allowed in the MX Districts that are not allowed in the B districts include residential uses and day care centers/nursery schools.

Use	B-1 District	B-2 District	MX-1 District	MX-2 District
Single and Multifamily Residential Uses			P,C	P,C
Cemetery	C	C		
Churches	P		C	C
Crematorium	C	C		
Funeral Home	P	P	C	C
Hospital	P	P		
Medical clinics	P	P	P	P
National Guard Centers	C			
Nursery School/Day Care			P	P
Parking garage and parking lots	P	P	C	C
Post office	P	P	P	P
Public facilities and gov't offices	P	P	C	C
Public utilities	P	P	C	C
Schools—trade, college, vocational	P	P	C (up to 10,000 sq ft)	C (up to 10,000 sq ft)
Social clubs, lodges, halls	P	P	C	C
Transit station	C	C	P	P
Park-and-ride lot	C	C	C	C
Variety of commercial uses, except adult uses, offices, retail sales, banks, entertainment	P	P	P,C	P,C
Wholesale sales	P	P		
Auto sales, rental and services	C			
Auto parts/accessories, retail sale and installation	P	C	C	C
Auto services only	C		C (up to 4 bays)	C (up to 4 bays)
Auto washing	C,A		P,A	P,A
Gas, diesel or other motor fuel retail sales	P	P	C	C
Restaurant with liquor	C	C	C	C
Building materials and services	C	C		
Country club and golf course	C	C		
Driving range	C			

Auto and motorcycle racing tracks	C			
Movie Theaters and Drive-In Theaters	P,C	P	C (Movie theater)	
Stadiums	P	P		
Mobile and manufactured home sales	P			
Animal kennel for more than 6 animals	C	C		
Commercial greenhouse operation	C			
Veterinary clinic, animal hospital	C	C	C	C
Manufacturing	C	C		
Warehousing		C		

Comprehensive Plan

The Comprehensive Plan notes that the areas along Highway 61 traditionally included many auto-oriented businesses that took advantage of the easy access to and from the highway. The plan suggests that the Highway 61 project and resulting changes in access will likely result in the redevelopment of the area with different uses in the future.

The Comprehensive Plan proposed that the areas along Hastings Avenue be redeveloped with a mix of commercial and residential uses with a “Mainstreet” character. The area should include a variety of residential uses, commercial uses, retail, restaurants and services that primarily meet local needs.

The Comprehensive Plan suggests that building heights and sizes maintain a “small town” scale, include mixed-use buildings, that parking on the street be included, and that streetscaping should be added, particularly along Hastings Avenue.

The Comprehensive Plan’s vision for the B-2 North area is closer in purpose and uses to the MX-1 and MX-2 Zoning Districts.

Issues for Discussion

Issues for discussion include:

- Does the B-2 District purpose fit the uses and character of the area designated B-2 between Cemetery Road and 17th Street on the east side of Highway 61? Does the MX-1 or MX-2 classification fit the area better—now or for the future? What should be the future character of this district and the nature of uses in the district?
- The Zoning Ordinance says that the purposes of the MX-1 and 2 Districts are as follows:
 - MX-1 (Downtown Mixed Use) – the intent of the MX-1 Downtown District is to foster a dense, focused downtown business district with a mix of residential, office, commercial, retail and service uses. “Big box” uses are not allowed. The area should be pedestrian and bicycle-friendly in scale and in design.
 - MX-2 (Commercial Mixed Use) – the intent of the MX-2 Commercial District is to include a mix of land uses including residential, commercial, and other compatible uses. Commercial uses should serve the Newport community, and may serve the immediate region as well.

- If the zoning classification should change, does the list of uses in the MX districts need to be modified to fit the proposed future for the district? If we change the zoning designation of the B-2 North area, do we need to allow locations where the B uses that are only permitted in the B districts are permitted in other parts of the City?
- Potential for nonconforming uses: would a change in zoning classification create a large number of nonconforming uses? If the B-2 North area were changed to an MX classification, existing Auto Body and packaging businesses could become nonconforming uses. Their ability to expand may be limited by a new classification. What do you think is the future of those uses?

B-2 South District

The other area designated B-2 in the zoning ordinance is an area along Highway 61, south of 11th Street. This area includes the Raceway to Fun site, and some large open areas (some of these areas are “buffer” areas for industrial uses).

The Comprehensive Plan says that the Commercial/Business Park areas such as this area will focus on a variety of commercial, office, warehouse and light manufacturing uses. The Comp Plan says that the area may also include residential uses, although the zoning ordinance does not currently allow these uses in the B-1 or B-2 District.

Issues:

- What uses are appropriate and desired in the B-2 South area? Should residential uses be permitted in this District?
- Is the future of this area likely to be different from the B-2 North area?
- Is this an area that may be appropriate for larger-scale employment uses such as manufacturing and/or warehousing?
- The city has received a number of inquiries about this area from potential developers proposing warehousing or warehousing/manufacturing uses. They have noted that areas along I-494 in other communities such as Eagan are filling up, and developers are looking for other areas with good highway visibility for these uses. The City has also envisioned potential office or medical uses in this area. Given the uncertainties of the current economy, the City may want to allow for a broad set of potential uses in this area.

Future of the B (Business) Districts

Based on your conclusions related to the future of the districts currently zoned B-2, the Planning Commission should consider the future of the B zoning districts.

Questions include the following:

- Does the City need one or more B Districts—districts that allow only business-type uses and do not allow residential uses? Businesses such as warehousing and manufacturing are typically allowed only in such business districts, and not in mixed-use districts.
- What uses should be allowed in the B District(s)?
- Where should the district(s) be located?

Business Districts in Other Communities

Cottage Grove has four Business Districts. Some of these Districts are very specific to that City's development pattern; one is a general-purpose Business District. The Districts include:

- B-1 Limited Business: allows office use only, adjacent to residential districts
- B-2 Retail Business: allows retail uses only, and is designed to get retail businesses to located near each other
- B-3 General Business: includes retail, highway and auto-oriented businesses, wholesale and manufacturing uses that do not need an industrial setting and have significant customer contact
- B-4 Planned Business District: a special district that includes a mix of retail, commercial and industrial uses adjacent to the City's Industrial Park

Their approach is similar to other neighboring communities. Most have one or more specialized Business Districts for retail or office uses, and have either a General Business District or a Light Manufacturing District that allows a mix of commercial and warehouse/manufacturing uses.

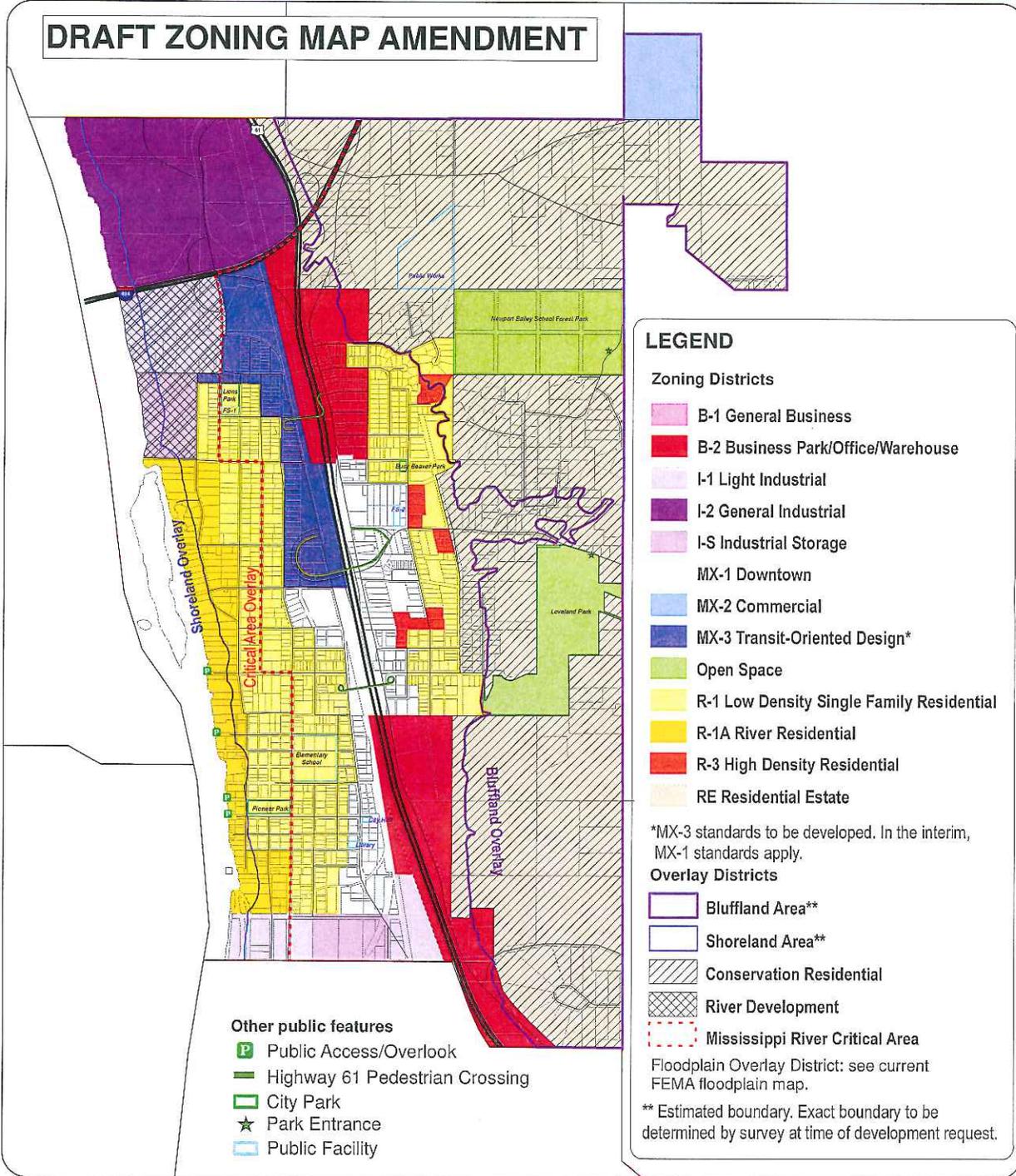
Next Steps

After we determine the appropriate zoning classifications for the existing B-2 Districts, we can review the performance standards in the zoning ordinance for the non-residential districts, and determine if they should be updated, particularly given the new standards for the MX-3 District.



City of Newport Zoning Map

DRAFT ZONING MAP AMENDMENT



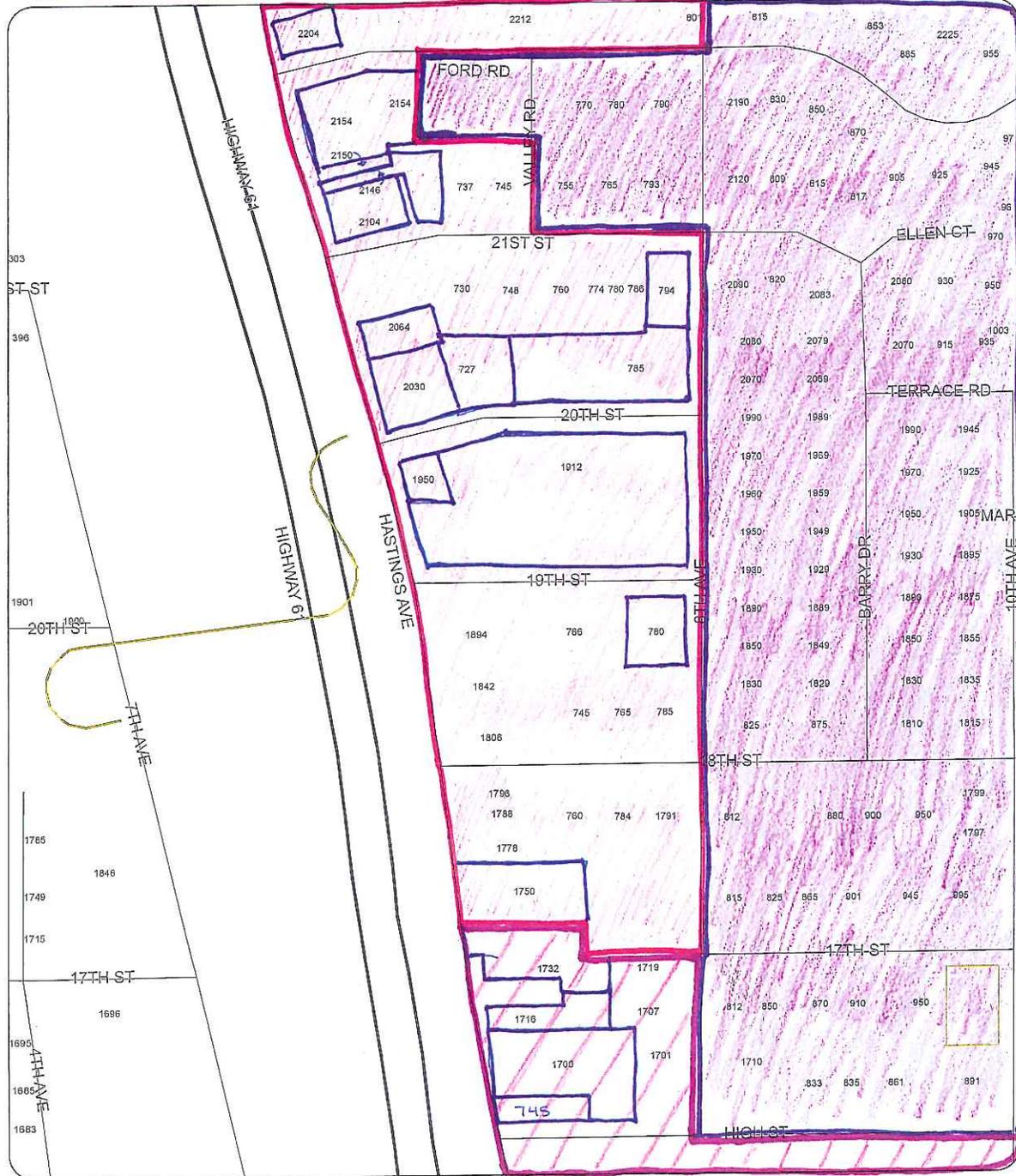
Data sources: City of Newport, Washington County, Metropolitan Council
 Zoning Map Adopted TBD
 Map printed March 20, 2012



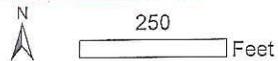
2,000 Feet



City of Newport Address Map



Data sources: City of Newport, Washington County, Metropolitan Council
 Map printed August 7, 2012



- B2 District
- R-1 District
- MX-1 District
- Businesses (See Attached Spreadsheet) - areas not included in boxes are residential uses.

Zoning District	Address	Business
B-2	2204 Hastings	Fernando's Mechanic Shop
B-2	2154 Hastings	Martin Joseph Real Estate
B-2	2150 Hastings	GE Marketing
B-2	2146 Hastings	Cloverleaf Bar and Grill
B-2	2104 Hastings	Central Bank
B-2	794 21st Street	Mechanic Shop
B-2	2064 Hastings	Subway and Johnson Autobody Shop
B-2	2030 Hastings	Former B.P. Station
B-2	727 20th Street	Newport Service Center (Mechanic Shop)
B-2	785 20th Street	Twin Cities Logistics and Schmid and Son Packaging
B-2	1950 Hastings	Shannon Glass
B-2	1912 Hastings	Fritz Candies and Schmid and Son Packaging
B-2	780 19th Street	Home Occupation - Jim Murr Plumbing
B-2	1750 Hastings	Newport Pet Clinic
MX-1	1732 Hastings	South Suburban Rental
MX-1	1716 Hastings	Dogs at Play
MX-1	1700 Hastings	Boyd's Motel
MX-1	745 High Street	Boyd Plaza