

Planning and Zoning Commission
January 13, 2026

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Tuesday, January 13, 2026 at 7:00 p.m.

Members Present: Wendy Johnson, Chair
Jenny Bridges, Vice Chair
Chad Hicks
Terry Connor
Ryan Simpson
Bart Underwood

Member Absent: Jimmy Poarch

Others Present: Shon Brooks, Executive Director Development Services
Trenton Robertson, Senior Director of Planning
Zack King, Planning Manager
Patrick Souter, Council Representative

1. Call to Order

Chair Wendy Johnson called the meeting to order.

2. Invocation

Commissioner Ryan Simpson provided the invocation.

3. Public Comments

None.

4. Consent Agenda

- a. Minutes of the regular Planning & Zoning Commission meeting of December 8, 2025
- b. Consider a request by Nadir Garcia, for a Replat of Lots 11A and 12C, Block 8 of the Town Addition, to create Lot 11R, Block 8 of the Rosalind Addition, 1 residential lot, being 0.097 acres, located at 400 North Jackson Street (Property ID 170656) – Owner: Rosalind Construction LLC (SUB-121-2025)
- c. Consider a request by Matt Baacke, GMcivil, for a Plat of Myrtle Creek Phase 2B.1, 148 residential lots and 5 non-residential lots, being 41.600 acres, located approximately 3,000 feet north of 2325 S US Highway 287 Bypass, situated in the Benjamin Collier Survey, Abstract 216, and the Silas M. Durrett Survey, Abstract 272, an addition to the City of Waxahachie (Property ID 180362) – Owner: Spur Myrtle Creek Development LP (SUB-177-2025)
- d. Consider a request by David Williams for a Plat of the Rinker Addition, Lot 1, Block A being 19.997 acres, located at 1220 Solon Road, situated in the Mckinney and Williams Survey, Abstract 753 and part of the John Shaver Survey, Abstract 1000, an addition to the City of Waxahachie (Property ID 140094) – Owner: J&G Concrete Operations LLC (SUB-180-2025)

- e. Consider a request by Matt Baacke, GMcivil, for a Plat of Myrtle Creek Phase 2B.2, 35 residential lots and 5 non-residential lots, being 11.684 acres, located approximately 3,000 feet north of 2325 S US Highway 287 Bypass, situated in the Benjamin Collier Survey, Abstract 216, and the Silas M. Durrett Survey, Abstract 272, an addition to the City of Waxahachie (Property ID 180362) – Owner: Spur Myrtle Creek Development LP (SUB-182-2025)

Action:

Chad Hicks moved to approve the Consent Agenda, subject to the recommendations of staff. Motion was seconded by Terry Connor and carried unanimously (6-0).

5. Public Hearing on a request by Jennifer Williams, TDRealty for a Specific Use Permit (SUP) for a Specialty Paraphernalia (The High Culture) use within a Commercial (C) zoning district located at 1702 W US Highway 287 Business, Suite A (Property ID 189024) - Owner: Daniel McGee (ZDC-110-2025)

Planning Manager Zack King presented the Item. The applicant proposes a Specific Use Permit (SUP) to allow for a Specialty Paraphernalia use for The High Culture business. This use allows for the sale of tincture, edible, and topical hemp products in addition to the sale of cigarette papers, bongs, and other smoking accessories. The use is proposed to be limited to Suite A at 1702 W US Highway 287 Business; which is the suite located at the intersection of Lucas street and W US Highway 287 Business. This suite is approximately 1,000 square feet in size. The subject property has 12 total parking spaces shared between the two suites on the subject property. The proposed use generates a minimum parking requirement of five (5) spaces. Suite B on the subject property is currently vacant.

The applicant has noted that The High Culture is a Texas-based retail business offering premium hemp derived wellness products in full compliance with federal and state law. The applicant has also noted that proposed products for sale include tinctures, edibles, topicals, and other consumable hemp products that contain less than 0.3% Delta-9 THC, as allowed under the Texas Health and Safety Code.

The owner is proposing to install security cameras on the inside and outside of the premises and proposes to store all inventory in a secure, limited access area. On-site or in-store consumption of products sold by the business is proposed to be prohibited.

Staff has concern that the proposed Specialty Paraphernalia use is incompatible with the multiple existing pediatric uses in the immediate area. This concern is due to the products offered for sale by The High Culture and the promotional material commonly associated Specialty Paraphernalia uses. Due to these concerns, staff is not supportive of the proposed Specialty Paraphernalia use.

Staff is also concerned that portions of the existing building extend into the right-of-way (ROW) of W US Highway 287 Business, as indicated by the site plan/survey. The position of the structure has led past occupants to allow parking along the southern side of the building; which is situated within TxDOT ROW on the shoulder of W US Highway 287 Business. To prevent this from continuing, no parking signs should be clearly installed along the southern side of the building.

Staff cannot recommend occupancy of a building that is situated outside of private property and within TxDOT right-of-way.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 14 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property. Staff has received zero (0) letters of support and six (6) letters of opposition for the SUP request.

Commissioner Simpson asked whether Brookside Road is identified in any master plan or future designation as a primary entry point into the City of Waxahachie.

Staff confirmed that both US Highway 287 Business and Brookside Road are designated as major thoroughfares on the Waxahachie Thoroughfare Plan. Staff explained that Brookside Road is the most direct connection from Interstate 35 to Main Street (US 287 Business) and is viewed as a gateway corridor into the city. Staff further noted that a large master-planned development is proposed on the west side of I-35 that would use Brookside Road as its primary entrance, reinforcing its importance as a gateway.

Chair Johnson asked how many similar businesses currently operate in Waxahachie.

Mr. King responded that there are no active Specific Use Permits (SUPs) for specialty paraphernalia uses in the city. He clarified the distinction between a retail tobacco store and a specialty paraphernalia use. Retail tobacco stores primarily sell cigars and cigarettes, while specialty paraphernalia uses include items such as smoking accessories, hemp-derived edibles, tinctures, and topical products, which require a SUP. While there are several retail tobacco shops in Waxahachie, there are no approved specialty paraphernalia SUPs.

Applicant Daniel McGee identified himself as the property owner and stated he purchased the buildings approximately six months prior. He explained that he is primarily a property investor and expressed concern over the investment made in building improvements. Mr. McGee stated that the business does not intend to sell bongs or similar smoking devices and deferred to his business partner to explain the hemp-derived products in more detail. He acknowledged the City's future roadway expansion plans and stated a willingness to comply if adjustments are required.

Grayson Barry, 579 W. 8th Street, Lancaster, Texas, business partner, provided additional details. He stated that the business sells CBD and hemp-derived products only, all accompanied by Certificates of Analysis, and that the operation is fully regulated. He explained that the business would restrict entry to customers 21 years of age and older, with controlled access and no on-site consumption permitted. He stated that no smoking would be allowed on the premises and that the business would not present itself as a smoke shop through signage.

Mr. McGee explained that the store would sell edible, tincture, topical, and beverage products, including hemp-derived teas and coffees. He described extensive security measures, including approximately 20 cameras, and emphasized a goal of providing a safe, regulated environment. He stated that similar businesses operated by partners generate significant revenue and that the business intends to comply with all applicable laws and regulations. Proposed hours of operation are 10:00 a.m. to 10:00 p.m.

Mr. King clarified for the Commission that the operational plan submitted with the application listed products such as tinctures, edibles, and topical hemp products, but that the specialty paraphernalia use definition also allows for the sale of smoking accessories. Staff advised that, if the Commission considers approval, it would be appropriate to require the applicant to submit an updated operational plan clearly outlining the specific business model, including the coffee-shop concept, to ensure consistency with the ordinance and to limit broader paraphernalia uses originally proposed.

Commissioner Terry Connor asked how the applicant would address customers who might consume products in their vehicles after leaving the premises.

Mr. McGee responded that all products are sealed and that the business cannot control customer behavior after leaving the property. He stated that driving under the influence remains illegal and emphasized the presence of law enforcement in the area. He reiterated the business's focus on security and compliance, noting his financial investment in the property.

Chair Johnson opened the Public Hearing at approximately 7:16 p.m.

Those who spoke in opposition:
Dean Settlemyer, 605 Brookside Road, Waxahachie, Texas

There being no others to speak for or against ZDC-110-2025, Chair Johnson closed the Public Hearing at approximately 7:27 p.m.

6. Consider recommendation of ZDC-110-2025

Action:

Chad Hicks moved to recommend denial of ZDC-110-2025 a Specific Use Permit for a Specialty Paraphernalia use located at 1702 W US Highway 287 Business, Suite A. Motion was seconded by Ryan Simpson and carried unanimously (6-0).

7. Public Hearing on a request by Brad Yates, for a Zoning Change from a Planned Development-5-Commercial District to a Planned Development-Multi-Family-2 (PD-MF-2) zoning district, located directly west of 131 Mark Trail, (Property ID: 174984) – Owner: Colonial Restoration Group, Inc. (ZDC-120-2025)

Planner Caleb Ensley presented the Item. The applicant proposes to rezone the subject property to allow for the development of a single structure consisting of six (6) townhome style units. The units range from 1 to 2-stories and 590-1302 square feet. It should be clearly understood that townhomes are proposed to be situated on fee-simple, individually platted lots. The applicant intends to keep all six units on separate lots and lease each of the individual units. While the development will function as multi-family project, the design of each unit is intended to match the existing townhomes at 111 Dunn Street. Each unit is proposed to include on-street parking, offstreet parking, bedroom balconies, and a covered patio. Despite the intent to lease each unit, the small-scale multi-family use is consistent with the type of residential development recommended for the Mixed-Use Neighborhood Placetype by the 2023 Comprehensive Plan.

The proposed development is designed to face Houston Street. This site design was chosen to ensure the primary façade is visible when traveling along Houston Street as opposed to the rear façade. The applicant is proposing to install a sidewalk to connect the front door of each unit alongside Houston Street to the parking area accessible via Mark Trail, where driveway access starts. The applicant is proposing a mix of floorplans ranging from 1-3 bedrooms and 1-2 baths. In order to facilitate development on the subject property, the applicant has proposed several planned development (PD) standards that deviate from the base MF-2 zoning district. These PD standards are necessary to facilitate the development due to the small size of the subject property.

Each unit is proposed to have access to a shared driveway accessible from Mark Trail and one (1) un-covered, off-street parking space. Per the base MF-2 Zoning Ordinance, 12 parking spaces are required. The applicant is providing 17 total surface spaces, five (5) of which are 1-car parking garages, six (6) uncovered off-street parking spaces, and six (6) parallel spaces along Houston Street. A concrete sidewalk is proposed to connect the on-street and off-street parking areas to the front door of each unit.

The applicant is proposing to meet all landscaping requirements for the development and has notably proposed to exceed the number of required shrubs, ground cover, and seasonal cover for this development. Landscape islands are proposed between each individual townhome along the proposed shared driveway to help soften the rear façade.

The applicant has provided a detailed elevation/façade plan with the PD proposal. The elevation/façade plan closely resembles the existing townhomes at 111 Dunn Street. The applicant proposes to utilize a minimum of 90% masonry for each elevation, while also including materials such as wood, stone and hardie for all proposed structures. Each of the proposed two-story townhomes will contain bedroom balconies on the front/northwest elevation, with the one, single-story unit, containing a bedroom patio towards the rear/southeast side of the proposed structure. Each unit will also contain architectural elements like columns with accent siding making up the base of each column. The northernmost unit along Mark Trail is proposed to be 1-story, enhancing the vertical articulation of the building. The applicant is not proposing roof-mounted equipment with this planned development. Lastly, the roof pitch for the structure will be 6:12.

Typically, a six-foot masonry screening wall would be required along the southern and eastern property lines. The applicant is not proposing screening at this time. It should be noted that there's an existing fence along the southside of the property adjacent to the existing residential single-family homes. Additionally, the applicant is proposing ornamental fencing towards the front of each structure similar to the existing townhomes of W. Franklin Street in Downtown Waxahachie.

The applicant is proposing a 15' utility easement along the southside of the subject property and a 10' utility easement running alongside both Houston Street and Mark Trail. In addition, the applicant is proposing a mutual access easement for the shared access driveway located at the rear of the property.

A six-inch water line currently exists along Houston Street adjacent to the subject property. Typically, a multi-family project is required to install a 12" waterline to serve the development. Due to the limited number of dwelling units proposed with this development, the applicant has requested to utilize the existing six-inch water line as opposed to installing a new 12" water line

along Houston Street. In order to determine if the six-inch water line is sufficient to serve the development, the applicant will be required to conduct a fire flow test and engineering analysis in the area around the development and provide the results to staff. The Fire Flow test and engineering analysis must demonstrate the presence of a minimum fire flow and domestic flow that is acceptable to the Director of Utilities. This fire flow test and engineering analysis are required to be conducted prior to recording of the replat for this property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 18 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property. Staff has received one (1) letter of support and one (1) letter of opposition for the proposed zoning change.

Chair Johnson asked how long it typically takes to complete a required study related to infrastructure.

City Engineer Trace Hilton stated that a fire flow study would be required to demonstrate adequate water service for the proposed development. She noted that the review process for such a study can take several months, depending on the development's needs.

Planning Director Trenton Robertson clarified that fire flow and waterline capacity evaluations occur during the civil engineering review phase, not at the zoning stage. It is common practice for such studies to be completed later in the development process, and they are not expected at the time of zoning consideration.

Commissioner Simpson asked whether approval of the zoning would revert if the existing six-inch water line proved insufficient and the developer chose not to upsize it.

Mr. Robertson responded that the zoning would remain in place regardless. If a project cannot move forward due to infrastructure requirements, it may simply not be developed, or a future developer may pursue a different zoning request.

Applicant Brad Yates, 211 North Gibson, stated he was present to answer questions.

Commissioner Bridges asked about parking for a one-bedroom unit without a garage. The applicant explained that there is no designated parking for that unit, similar to a comparable development on Dunn Street that has operated for approximately seven years without parking issues. Residents typically park in available spaces, with garage parking used by most units.

Mr. Yates stated that the building was set back approximately five feet to allow for parallel guest parking outside of the right-of-way, intended primarily for visitors.

Commissioner Simpson raised concerns about vehicle length exceeding the proposed 18-foot parking spaces. Mr. Yates acknowledged this could occur but stated that most residents drive smaller vehicles and that similar conditions at the Dunn Street development have not caused issues.

Chair Johnson opened the Public Hearing at approximately 7:35 p.m.

There being no others to speak for or against ZDC-120-2025, Chair Johnson closed the Public Hearing at approximately 7:35 p.m.

8. Consider recommendation of ZDC-120-2025

Action:

Jenny Bridges moved to recommend approval of ZDC-120-2025, a Planned Development-Multi-Family-2 zoning district, subject to the conditions the staff report, and authorizing the Mayor and/or City Manager to execute all documents accordingly. Motion was seconded by Chad Hicks and carried unanimously (6-0).

9. Public Hearing on a request by Robert Drolet, for a Specific Use Permit (SUP) for an Accessory Structure exceeding seven hundred (700) square feet within a Rural Residential (RR) zoning district located at 128 Lakeshore Drive (Property ID 233849) - Owners: Robert Drolet and Michelle Drolet (ZDC-151-2025)

Planner David Jones presented the Item. The applicant proposes a Specific Use Permit (SUP) to construct 960 square foot carport at 128 Lakeshore Drive. The structure has a maximum height of 20' and a width of 40'. According to the Ellis County Appraisal District, the primary structure on the subject property is approximately 4,568 square feet. According to the Waxahachie Zoning Ordinance, single family residential structures located in a Rural Residential zoning district are limited to two accessory structures with a combined floor area of 1000 square feet. Additionally, the ordinance requires any accessory structure over 700 square feet to obtain a SUP. The subject property contains two (2) existing accessory structures.

The applicant proposes to utilize the structure for personal parking, storage, and protection of personal vehicles.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 10 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property. Staff has received three (3) letters of support and zero (0) letters of opposition to the SUP request.

Commissioner Chad Hicks asked staff to confirm the maximum number of structures permitted on the property. Mr. Jones confirmed that the ordinance allows a maximum of two structures by right.

Mr. King further explained that for larger properties consisting of several acres, the ordinance allows additional structures beyond two to be approved through the SUP process. He confirmed that the applicant is following the correct procedure by requesting a SUP for a third structure.

Commissioner Bart Underwood asked whether the proposed structure would be used for commercial purposes. Mr. Jones confirmed that the structure would be for personal use only and not for commercial activity.

Applicant Rob Drolet, 128 Lake Shore Drive, Waxahachie, appeared before the Commission.

Commissioner Hicks asked about the intended use of the structure. Mr. Drolet explained that it would be used to store an RV, boat, and related recreational equipment, with the goal of removing these items from public view. He stated that the structure would be a simple roofed, open-sided structure with supporting legs only.

Chair Johnson opened the Public Hearing at approximately 7:39 p.m.

There being none to speak for or against ZDC-151-2025, Chair Johnson closed the Public Hearing at approximately 7:39 p.m.

10. Consider recommendation of ZDC-151-2025

Action:

Ryan Simpson moved to recommend approval of ZDC-151-2025, a Specific Use Permit for an Accessory Structure exceeding seven hundred square feet in use, subject to the conditions the staff report, and authorizing the Mayor and/or City Manager to execute all documents accordingly. Motion was seconded by Jenny Bridges and carried unanimously (6-0).

11. Public Hearing on a request by Tamika Ayers, for a Zoning Change from a Single-Family-2 (SF-2) zoning district to Planned Development SF-2, to allow a Child Daycare Center use, located at 301 E Criddle Street, (Property ID 196523) - Owner: Texas Conference Association of Seventh Day Adventist (ZDC-163-2025)

Planner David Jones presented the Item. The applicant proposes to rezone the subject property to allow for a Child Daycare Center use with this Planned Development (PD). A PD is required in this instance as opposed to a Specific Use Permit (SUP) because Child Daycare Center uses are not permitted in the current SF-2 zoning district. The site was a former church and is currently unoccupied. The daycare is proposed to operate Monday through Friday, 7:00 a.m. to 5:30 p.m. Saturday care is proposed to be from 8:00 a.m. to 1:00 p.m. Parents will be allowed a maximum of 10 hours per day. The rear of the property includes an open grass area that will be converted to a fenced play-area for the Daycare use.

Children will range in age from 16 months to 12 years old with a maximum of 60 students and nine staff members. There will be three toddler rooms for kids ages 16 months to two years old with student to staff ratios of 4:1. There will be one pre-k room for kids ages three to four years old with a student to staff ratio of 8:1. There will also be one after-school classroom with no specified age range with a student to staff ratio of 20:1. The applicant is not proposing to operate any buses or shuttles as part of the Daycare use.

The daycare is proposed to be drop-off only. The drop-off area is proposed to be located at the front of the building along E Criddle Street, but is only large enough to accommodate a single car without blocking drive-aisles on the property. There is not a dedicated awing or covered area for drop-off, but the applicant is proposing to restripe the current parking lot to identify the drop-off lanes. Sidewalks are not present along either side of E Criddle Street and the applicant is not proposing to add sidewalks on the subject property as part of this PD proposal.

The applicant proposes to re-stripe the parking lot to clearly identify 31 parking spaces. The number of proposed parking spaces is adequate for the 60 students and nine staff members; however, additional parking and/or extended drop-off lanes may need to be added to the site in the event that student or staff count increases.

The applicant proposes to remove the planter/sign area along E Criddle Street and is not proposing any additional signage at this time. The applicant is not proposing to add additional accent or security lighting to the subject property at this time.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 30 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property. Staff has received one (1) letter of support and two (2) letters of opposition to the SUP request.

Tamika Ayers, applicant, presented the proposal for a daycare facility. She stated the facility would provide childcare for up to 60 children, similar to her current licensed operation. The proposed location was selected to move away from a busy main street to a safer, quieter environment.

Ms. Ayers explained that:

- Parents may either park and walk children inside or use designated drop-off areas.
- Drop-off times are staggered, and staff assist children during arrival and departure.
- The daycare has not experienced issues with vehicles stacking in the street at its current location.
- Outdoor play would be scheduled in small groups in compliance with licensing requirements, limiting noise impacts.
- A fenced outdoor play area would be installed.
- Hours of operation would be Monday through Friday, approximately 7:00 a.m. to 5:30–7:00 p.m., with no Saturday or overnight care.
- One bus would be used for after-school pickup, with students primarily remaining indoors during after-school programming.

Ms. Ayers stated the daycare is science and STEM focused, serves children 16 months and older, and that the current location is at capacity, necessitating relocation/expansion.

Ms. Ayers confirmed that she is relocating the existing Mini Scientists daycare to the proposed new location, while the Mini Engineers facility will remain at its current site.

Ms. Ayers stated that the proposed facility will operate one bus to transport students from school to the daycare for after-school care.

Chair Johnson asked about the licensing capacity of the proposed location. Ms. Ayers responded that the new facility would be licensed for up to 60 children, compared to the current Mini Scientists location, which is licensed for 50 children.

Ms. Ayers confirmed the site is largely turnkey, with minimal improvements needed beyond fencing.

Mr. King noted that the operational plan submitted with the application referenced potential Saturday and overnight care, which the applicant stated would not occur. Staff recommended, should the Commission consider approval, conditions requiring:

- A revised operational plan confirming hours, no overnight care, and limited bus use.
- An updated site plan to clearly identify the larger drive aisle as the primary drop-off loop, rather than the smaller front loop, to reduce potential vehicle stacking on adjacent streets.

Chair Johnson opened the Public Hearing at approximately 7:53 p.m.

Those who spoke in support:

Rodney Ayers, 1567 Oasis Street, Waxahachie, Texas

Those who spoke in opposition:

Keith Bennett, 313 E. Ross St, Waxahachie, Texas

There being no others to speak for or against ZDC-163-2025, Chair Johnson closed the Public Hearing at approximately 7:58 p.m.

12. Consider recommendation of ZDC-163-2025

Action:

Ryan Simpson moved to recommend approval of ZDC-163-2025, a Zoning Change from a Single-Family-2 (SF-2) zoning district to Planned Development SF-2, to allow a Child Daycare Center use, located at 301 E Criddle Street, subject to the conditions of the staff report and receipt of the finalized operational plan that removes overnight and weekend care and indicates an accurate reflection of the uses of buses and shuttles, as well as a revised site plan that shows the main drive path per staff's recommendation.

Mr. Robertson noted that the Commission may wish to consider a continuance of the item to allow staff time to meet with the applicant and address concerns related to the operational plan and site plan.

Commissioner Simpson subsequently withdrew his motion.

Following discussion with the applicant, Mr. Robertson explained that the applicant is unable to remain at the current facility due to an expiring lease. He stated that staff would meet with Ms. Ayers the following day to address the identified concerns and work toward preparing updated site and operational plans for presentation to City Council at its next meeting.

Action:

Ryan Simpson moved to recommend approval of ZDC-163-2025, a Zoning Change from a Single-Family-2 (SF-2) zoning district to Planned Development SF-2, to allow a Child Daycare Center use, located at 301 E Criddle Street, subject to the conditions of the staff report and receipt of the

finalized operational plan that removes overnight and weekend care and indicates an accurate reflection of the uses of buses and shuttles, as well as a revised site plan that shows the main drive path with striping per staff's recommendation. Motion was seconded by Jenny Bridges and carried unanimously (6-0).

13. Adjourn

Senior Planning Director Trenton Robertson recognized GIS staff members Mathias Hudock and James Breen for successfully completing their GIS Professional (GISP) certification. He noted that this achievement marks the first time in the City of Waxahachie's history that GIS staff have completed the rigorous certification process.

Mayor Pro Tem Patrick Souter congratulated Mr. Hudock and Mr. Breen on their accomplishment. He also commended the Planning Department for its significant workload related to current planning cases and thanked staff for their continued professionalism and dedication to the City.

There being no further business, the meeting adjourned at 8:07 p.m.

Respectfully submitted,

Caleb Ensley, Planner