

**MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
February 2, 2017
6:30 PM**

1. CALL TO ORDER

Chairman Thompson called the meeting of the Elko New Market Planning Commission to order at 6:38 pm.

Commission members present: Thompson, Hartzler, Smith and ex-officio member Larson

Members absent and excused: Vetter and Kruckman

Staff Present: Community Development Specialist Christianson, City Planner Kirmis, City Engineer Revering and City Administrator Terry

2. PLEDGE OF ALLEGIANCE

Chairman Thompson led the Planning Commission in the Pledge of Allegiance.

3. APPROVAL OF AGENDA

A motion was made by Smith and seconded by Hartzler to approve the agenda as presented. Vote for: Thompson, Hartzler and Smith. Against: None. Vote 3-0. Motion carried.

4. PUBLIC COMMENT

There were no public comments.

5. ANNOUNCEMENTS

There were no announcements.

6. APPROVAL OF MINUTES

A motion was made by Thompson and seconded by Smith to approve the minutes of the January 5, 2017 Planning Commission meeting as written. Vote for: Thompson, Hartzler and Smith. Against: None. Abstained: None. Vote 3-0. Motion carried.

7. PUBLIC HEARINGS

A. Boulder Heights – Rezoning and Preliminary Plat (KJ Walk)

Chairman Thompson asked Community Development Specialist Christianson to present her memorandum dated February 2, 2017 regarding the Boulder Heights rezoning and preliminary plat application.

Community Development Specialist Christianson explained the subject site overlays 50 acres of land located south of 275th Street and west of Beard Avenue and was recently

annexed into the City. It was noted that a total of 130 single family residential lots area are proposed.

Christianson also noted that a rezoning of the property to PUD, Planned Unit Development, is necessary to accommodate lot area and width flexibilities. Christianson provided additional background information related to the following:

- Comprehensive Plan guidance
- Planning Unit Development (PUD) purpose and requested flexibilities
- Performance standard compliance (R-1 District comparison)
- Utility service
- Wetland impacts
- Transportation issues
- Sidewalks and trails
- Park dedication

Following Community Development Specialist Christianson's presentation, Chairman Thompson opened the public hearing at 7:08 p.m.

The following comments were received at the public hearing:

Kevin Atkins - 9705 Oxford Lane. Mr. Atkins raised concern over traffic generated from the proposed subdivision. Specifically, Mr. Atkins expressed concern over the ability of Xerxes Avenue to accommodate additional traffic and his opinion that Beard Avenue should be paved as part of the project. Finally, Mr. Atkins, raised question regarding the proposed timing of the project.

City Engineer Rich Revering responded to Mr. Atkins' questions by explaining the reason why the paving of Beard Avenue adjacent to the development is proposed to be deferred to a future time (expectant low traffic volumes until easterly development occurs). It was noted that there is no planned connection from the development to Beard Avenue until the roadway is improved. Revering also stated that the project would likely begin in the spring, following the resolution of wetland-related issues.

Donna Volkmann - 9726 280th Street East. Ms. Volkmann raised concern over area drainage issues. Specifically, Ms. Volkmann raised concern over the past flooding of Beard Avenue and the impact the Boulder Heights project will have upon properties east of the roadway. Ms. Volkmann also raised question about bus service for school age children who will reside in the proposed subdivision. Ms. Volkmann was advised that the Lakeville School District will be responsible for providing transportation for students to the various Lakeville schools.

Keith Chellsen - 9450 275th Street East. Mr. Chellsen raised question regarding 275th Street improvement plans and related cost responsibilities. Mr. Chellsen also raised question regarding the location of sewer lines that will serve the proposed subdivision.

City Engineer Revering advised Mr. Chellsen that as part of the subdivision, 275th Street will be paved westward to County Road 91, with the costs to be paid by the developer. Revering also indicated that sewer service will flow from a lift station located on the north side of the subject property.

Patrick Toring - 9564 280th Street East. Mr. Toring advised the Planning Commission that he lives south of the proposed development site and is concerned about northerly views from his property. In this regard, Mr. Toring requested that screen plantings be provided along the development site's southern boundary (to screen his views of the proposed subdivision).

As a follow-up to Mr. Toring's inquiry, the Planning Commission suggested the placement of buffer plantings on the south side of the project site, upon Mr. Toring's property. Mr. Toring indicated that he is open to the idea of off-site screen plantings (upon his property).

A motion was made by Hartzler and seconded by Smith to close the public hearing at 7:24 pm. Vote for: Thompson, Hartzler and Smith. Against: None. Abstained: None. Vote 3-0. Motion carried.

Following the received public testimony, the following comments/questions were raised by the Planning Commission:

- Related to site landscaping, it was suggested that the applicant consider an alternative to "Blue Spruce" trees due to plant health-related concerns.
- Question was raised regarding water line piping material. Specifically, it was asked why iron is favored over plastic. City Engineer Revering stated that the iron piping is favored as it has a larger interior diameter which is desired for fire protection reasons. It was also noted that iron piping can be more easily traced (than plastic) from underground locations.
- The Commission questioned whether all dwelling units will have three stall garages. The developer, Luke Israelson, indicated that the vast majority of dwelling units will have three stall garages. It was further indicated that for those lots which do not have three stall garages, space will be reserved for future third garage stall construction.
- Question was raised regarding the adequacy of snow storage areas upon the subject site.
- The Commission advised the developer that the submission of a lighting plan will be required as the project moves forward.

With no further comments from the Planning Commission, it was moved by Smith, seconded by Hartzler to recommend approval of the request for PUD zoning and preliminary plat approval of Boulder Heights, consisting of 130 lots on 50.7 gross acres for the following reasons:

- 1) The proposed plat of the property meets the purpose and intent of the Comprehensive Plan.
- 2) The development does exceed the average guided density of 2.7 dwelling units per net acres. The preliminary plat contains 130 lots on 50.7 gross acres, for a proposed density of 2.56 units per acres.
- 3) The proposed plat meets the purpose and intent of PUD zoning as outlined in Section 11-28C-1 of the City Code.

And noting the following variances being allowed in conjunction with the PUD:

- 1) Minimum lot size is approved at 8,400 square feet.
- 2) Minimum lot width is approved at 70'.
- 3) Structure setbacks are approved as follows: 25' front, 7' side, 20' side on corner lot, and 30' rear.
- 4) Local street width is being allowed at 28'.

	ENM R-1 District	Approved for Boulder Heights
Width	85'	70'
Width - Corner Lot	100'	85'
Area	12,000 sq ft	8,400 sq ft
Area - Corner Lot	12,500 sq ft	10,000 sq ft
Front Setback	30'	25'
Rear Setback	30'	30'
Side Setback	10'	7'
Side Setback - Corner Lot	25'	20'
Deck Setback to Storm Pond	35'	25'
Deck Setback to Wetlands	35'	25'

And noting the following improved subdivision design elements:

- 1) Identical house colors and elevations will not be allowed on adjacent lots or on lots opposite from each other;
- 2) Front elevation must incorporate stone, brick or stucco;
- 3) Wood will not be allowed as an exterior building material;
- 4) Roof pitch of at least 6/12 for all sides;
- 5) Construction of a walking trail along the south edge of the wetland located on proposed Outlot B.

And with the following conditions:

- 1) Preliminary plat approval is subject to the approval of all wetland applications, including wetland boundary concurrence and approval of the wetland replacement plan. The developer assumes all risk associated with

preparing the preliminary plat application in advance of the required wetland application approvals. If the wetland boundary is determined to be different than the boundary shown in the preliminary plat submittal, the preliminary plat application will need to be revised to show the accurate wetland boundary.

- 2) Preliminary plat approval is subject to the conditions of the Predevelopment Agreement between the City of Elko New Market and KJ Walk, dated July 14, 2016.
- 3) The developer shall submit construction plans for the improvement of 275th Street as required by the predevelopment agreement, and the plans shall be approved by the City Engineer.
- 4) The preliminary plat is issued in accordance with the preliminary plat drawings dated 12/30/16, and the preliminary grading plan dated 12/30/16 on file with the Elko New Market Community Development Department.
- 5) The preliminary plat is issued for a period of six months, and shall become null and void without further action from the Planning Commission or City Council unless the final plat is filed within six months of the date of City Council granting preliminary plat approval.
- 6) KJ Walk, Inc. must enter into a Developer's Agreement with the City of Elko New Market, and the Agreement must be approved by the City Council prior to final plat approval.
- 7) Approval is subject to all recommendations of the City Engineer and Public Works Director.
- 8) Grading and construction plans must be approved by the City Engineer, Public Works Director and Community Development Specialist prior to final plat approval.
- 9) Final plat approval is subject to the utility extension permits from the Pollution Control Agency and the Minnesota Department of Health.
- 10) Drainage and utility easements must be dedicated at the time of final plat.
- 11) The delineated wetland boundary must be shown on the final plat.
- 12) The landscaping plan must be revised to show the required 20' landscape buffer along 275th Street located outside of the road-right-of-way.
- 13) A revised tree/resource inventory must be submitted which shows that 80 of the identified significant trees are being preserved during development, or show a replacement plan that shows plantings over and above the already required roadway buffer requirement and the two front yard tree requirement, and meeting the requirements of Section 12-9-9-(F) of the City Ordinance.
- 14) Development and full build-out of the subject property and the property currently owned by Circle View LLP may require downstream sanitary sewer system improvements. Additional evaluation of this matter will be required.
- 15) A condition of final plat approval will be the requirement for individual water pressure reducing valves within each home at the time of home construction.
- 16) Fire hydrants should be added at the southerly end of Oxford Ln., and both the easterly and westerly ends of Lydia Ln.
- 17) A 10' wide buffer from the high water level is required around stormwater ponds. A revised preliminary plat submittal must be submitted which shows the 10' stormwater pond buffer.

- 18) All structures shall have a minimum 35' setback from the edge of the HWL of stormwater ponds except that decks will be allowed at a 25' setback. A revised preliminary plat submittal must be submitted which clearly shows the 35' stormwater pond setback requirement.
- 19) All structures shall have a minimum 35' setback from the delineated edge of a wetland except that decks will be allowed at a 25' setback. A revised preliminary plat submittal must be submitted which clearly shows the 35' wetland setback requirement.
- 20) 50' of right-of-way shall be dedicated along 275th Street. Approximately 17' of additional right-of-way will need to be dedicated along 275th Street.
- 21) A "future road extension" sign must be placed at the southern end of Oxford Lane, at the westerly end of Andrew Avenue, and the westerly end of Lydia Lane.
- 22) In regards to the westerly terminus of Andrew Avenue, the following conditions are imposed: a) the developer must acquire a temporary easement over the adjacent property to allow for snow storage, or b) building permits would not be allowed on Lot 1 Block 1 and Lot 1 Block 2 until such time that the road is extended to the property to the west.
- 23) In regards to the westerly terminus of Lydia Lane, the following conditions are imposed: a) the developer must acquire a temporary easement over the adjacent property to allow for snow storage, or b) building permits would not be issued Lot 1 Block 4 until such time that the road is extended.
- 24) The developer must submit a design that shows Lydia Lane ending just shy of Beard Avenue, with some type of break-away barricade that would still allow access for emergency responders but deter residents from using the route.
- 25) A 10' wide bituminous trail is required along one side of both 275th Street and Beard Avenue.
- 26) The developer will need to confirm the acreage of the park area. Park dedication must be located outside of any wetland, stormwater pond, or buffer areas.
- 27) A lighting plan shall be submitted subject to City approval.
- 28) The developer shall work with the adjacent property owner to the south related to the establishment of a landscape buffer along the subject site's southern boundary.
- 29) All lots shall be designed to allow for three garage stalls, whether or not construction of a three-stall garage is intended.

And noting the following:

- 1) Street names will be approved as part of the final plat approval.

Vote for: Thompson, Hartzler and Smith. Against: None. Abstained: None. Vote 3-0.
Motion carried.

8. GENERAL BUSINESS

A. Christmas Pines PUD Sketch Plan (On-Site Marketing)

Chairman Thompson asked Community Development Specialist Christianson to present her memorandum dated February 2, 2017.

Christianson introduced the item and summarized the Christmas Pines PUD Sketch Plan request, explaining that the subject site, commonly known as “the Christmas tree lot,” contains 4 acres of land located south of County Road 2 and west of County Road 91. It was noted that a total of 21 single family residential lots area are proposed upon the property.

Christianson noted that a rezoning of the property to PUD, Planned Unit Development is necessary to accommodate flexibilities related to lot area, lot width, setbacks and sidewalk/trail construction. Christianson provided additional background information related to the following:

- Comprehensive Plan guidance and density directives
- Planning Unit Development (PUD) purpose and requested flexibilities
- Performance standard compliance (B-1, District comparison)
- Utility service
- Wetland impacts
- Transportation issues
- Sidewalks and trails (location alternatives)
- Park dedication

Christianson reviewed the developer’s proposed trail location, noting that the trail could cause conflicts with the residents because it crosses a private driveway, and she offered an alternative trail location for consideration. Community Development Specialist Christianson concluded her presentation by stating that City Staff supports the proposed project.

Following the City Staff presentation, the Planning Commission provided the following comments on the submitted sketch plan.

- The Commission was very supportive of the proposed single family residential use of the property (in comparison to commercial use as dictated by present zoning).
- Regarding trails, the Commission expressed a preference for a trail connection to County Road 2 which would be extended from the northwest corner of the subject property. The Commission also suggested working with Scott County regarding trail location/connection details.
- The Commission was supportive of slight deviations from the 25-foot front yard setback recommended by City Staff.

- The Commission raised question about snow storage upon the site.
- Some concern was raised related to construction traffic upon the subject property. The developer, Garry Tupy, conveyed his belief that construction traffic generated by the project will be minimal.
- Question was raised whether ample area will be provided for decks (within required setback areas). The developer explained that homes are to be “slab on-grade” construction and that concrete slabs will be utilized in lieu of typical deck construction.

With no further comments from the Planning Commission, it was moved by Smith, seconded by Hartzler to recommend approval of the Christmas Pines PUD concept plan dated 12.15.16, containing 21 lots on 5 gross acres, for the following reasons:

- 1) The proposed development of 21 units on 3.75 net acres meets the intent of the Comprehensive Plan Town Center land use density objectives, being 5.6 units per acre.
- 2) The proposed development is more compatible with the adjacent land uses than commercial development of the site, which it is currently zoned for.

And noting the following variances being allowed in conjunction with the PUD:

	Christmas Pines Request
Lot Width	36.1'
Lot Width - Corner Lot	42'
Lot Area	3,390 sq ft (average); 3,009 sq ft (minimum)
Front Setback	25'
Rear Setback	10' minimum
Side Setback	5'
Side Setback - Corner	10'
Sidewalk Construction	Waiver of sidewalk requirement along local roads
Trail Construction	Waiver of trail requirement along arterial roadways
Land dedication	Allow wetland in an easement rather than conveyed to City
Land dedication	Allow stormwater pond in an easement rather than conveyed
Local Road Right-of-	Allow local road within a 50' right-of-way
Wetland Buffer Width	? Possible variance from wetland buffer requirement for trail
Landscape Buffer	? Possible variance from landscape buffer requirement for

And noting the following improved subdivision design elements:

- 1) Homes within the development will be designed in a similar fashion; front facades will generally be matching, to create a cohesive neighborhood feel;
- 2) Front elevation will incorporate stone, brick or stucco;
- 3) Exterior finishes will exceed minimum City requirements;
- 4) Roof pitch of at least 6/12 for all sides;

- 5) Incorporation of community garden area;
- 6) A passive park area will be created around the wetland, to include benches.

And with the following conditions:

- 1) The concept plan recommendation for approval is subject to approval of all wetland applications, including the wetland boundary concurrence and approval of the wetland replacement plan. If the wetland boundary is determined to be different than the boundary shown in the concept plan submittal, future applications will need to be revised to show the accurate wetland boundary.
- 2) The recommendation for concept plan approval is granted in accordance with the Concept Plan D drawings dated 12.15.16 on file with the Elko New Market Community Development Department.
- 3) Front yard setback flexibilities shall be allowed which may, in some cases, result in setbacks slightly less than 25 feet. The flexibility shall apply to proposed Lots 9, 10, 19, 20, and 21.
- 4) A 20' wide landscape buffer must be provided for lots abutting Co. Rd. 2 & Co. Rd 91.
- 5) The applicant must submit a tree/resource inventory and tree preservation plan meeting the requirements of Section 12-9-9 of the City Code. If the applicant proposes to remove more than 60% of the significant trees, a tree replacement plan must be submitted.
- 6) 10' wide perimeter easements and 5' wide interior easements must be dedicated along all lot lines. Proposed easements must be shown on the preliminary plat submittal.
- 7) Easements must be provided around wetland and proposed stormwater pond. Proposed easements must be shown on the preliminary plat submittal.
- 8) Water must be looped through the site, connecting to both the Dorothy Lane and Co Rd 2 water lines. Public drainage and utility easements are needed over proposed route.
- 9) The developer must submit a stormwater plan meeting the requirements of Chapter 11 of the Zoning Ordinance and the City's Surface Water Management Plan.
- 10) A 10' wide vegetative buffer from the high water level is required around stormwater ponds. Future applications must clearly depict the 10' vegetative buffer.
- 11) All structures shall have a minimum 35' setback from the HWL of stormwater ponds, Future plan submittals should clearly identify the 35' building pad setback to HWL from all stormwater ponds.
- 12) All structures shall have a minimum 35' setback from the delineated edge of a wetland. Future plan submittals should clearly identify the 35' wetland setback requirement.
- 13) Wetland buffer sign markers, meeting the requirements of Section 11-11-4 of the Zoning Ordinance, shall be placed along all lot lines at the buffer location and locations surrounding the wetland.

- 14) The existing curb cut into the property from Co Rd 2 must be permanently closed upon development of the property. No access to the property will be permitted from Co Rd 2 or Co Rd 91.
- 15) If trail Option A is chosen as the preferred trail/pedestrian route, the proposed route must be clearly identified in the area where it coincides with the proposed Private Drive B, by either using a different surface material or pavement markings. If trail Option B is chosen as the preferred trail/pedestrian route, the proposed route should be incorporated into future plan submittals. The Planning Commission shall also give consideration to a third option related to a trail connection to County Road 2. Specifically, a trail connection to County Road 2 from the northwest area of the site shall be explored.
- 16) All advertising signs currently existing on the property must be removed as a condition of development.
- 17) The section of sidewalk proposed along the Dorothy Lane cul-de-sac shall be removed as it is unlikely to be used, based on its location.

And noting that:

- 1) The Planning Commission supports the lot sizes as proposed by the developer as part of the PUD because the overall density is consistent with the Comprehensive Plan.
- 2) The Planning Commission supports the proposed 5' side setbacks and the rear setbacks as shown on the concept plan dated 12-15-16.
- 3) The Planning Commission supports the sidewalk requirement for the proposed development being waived because there is no sidewalk located to the south along Dorothy Lane.
- 4) The Planning Commission supports the trail requirement adjacent to Co Rd 2 be waived because there is an existing sidewalk along Co Rd 2.
- 5) The Planning Commission supports the trail requirement adjacent to Co Rd 91 be waived because the topography and wetland issues along the west side of Co Rd 91 between Main Street and Aaron Drive make it difficult to construct a trail in this location.
- 6) The Planning Commission supports the wetland being covered by a drainage and utility easement rather than conveyed in fee to the City.
- 7) The Planning Commission supports the stormwater pond being covered by a drainage and utility easement, rather than being conveyed in fee to the City.
- 8) The Planning Commission supports the proposed 50' right-of-way for Dorothy Lane because it matches the right-of-way width in the adjacent Kelly Glen subdivision to the south.
- 9) Maintenance responsibility for the proposed pedestrian access through the development will need to be determined.

Vote for: Thompson, Hartzler and Smith and. Against: None. Abstained: None. Vote 3-0. Motion carried.

B. Avant Park Senior Housing Project (Avant Private Communities)

Chairman Thompson asked Community Development Specialist Christianson to present her memorandum dated February 2, 2017.

Christianson introduced the item and summarized the Avant Park Senior Housing Project PUD Sketch Plan request as described in her memorandum. Christianson explained the subject site overlays two City-owned outlots located south of James Parkway and west of Dakota Avenue, thirteen platted townhome lots owned by the City, and also some common area owned by the Dakota Acres Townhome Association.

Christianson further noted that the project consists of the following uses:

- A three-story, 90-unit senior housing building (phase 1)
- A four-story, 112-unit independent living building (future phase)
- A 6,800-square foot restaurant (future phase)

Community Development Specialist Christianson then provided additional background information related to the following:

- Comprehensive Plan guidance and density directives
- Planning Unit Development (PUD) purpose and requested flexibilities
- Performance standard compliance (B-1, District comparison)
- Utility service
- Wetland impacts
- Transportation issues
- Sidewalks and trails (location alternatives)

Christianson also cited several Staff questions/concerns with the project. The following is a summary of highlighted Staff and Planning Commission concerns:

Development Density. Christianson noted that the Comprehensive Plan calls for a maximum density of 15 units per net acre of land. In contrast, a development density of 31.8 units per acre are proposed.

With an understanding that the future residential building is proposed to be reduced in height from a four-story to a three-story structure (per the developer) and therefore less units, the Planning Commission expressed support for the proposed higher residential densities upon the site.

Building Height. It is believed that both housing buildings will exceed the maximum building height requirement of 35'. The Planning Commission supported a small variation from the height requirement.

Dakota Avenue (Major Collector Street) Access. It was noted by Staff that the sketch plan illustrates two access points along Dakota Avenue, a designated major collector street. The proposed access points do not meet the access spacing guidelines of the Transportation Plan.

The Planning Commission expressed their opinion that two access points located along the street is excessive. Specifically, the number of access points and the crossing of residential and commercial traffic at the access points are noted as an area of concern and in need of redesign. While a specific recommendation related to access was not provided, it was suggested that site access be re-examined as part of sketch plan refinement.

James Avenue (Minor Collector Street) Access. It was noted by Staff that the sketch plan illustrates elimination of two existing access points, and proposes two new access points off of James Parkway. The new access points would create off-set intersection on the north side of James Parkway.

Residential/Commercial Traffic Conflicts. Staff noted a concern exists related to the intermixing of residential and commercial traffic in the eastern portion of the site. The Planning Commission likewise expressed concern over this issue and suggested this matter be re-examined.

Open Space Requirements. Staff raised the question of whether a plaza area included in the sketch plan should be used to satisfy open space requirements imposed in the R-4 zoning district (above and beyond park dedication requirements). The Planning Commission supported the inclusion of the plaza area in the calculation of required open space for the project.

Restaurant Use and Reduction in Townhome Units. The Planning Commission expressed concerns over the viability of the proposed restaurant use in the proposed location. Such concern was based upon past financial difficulties encountered by the nearby Firehouse Grille and the proposed restaurant site's lack of visibility. Commissioner Thompson expressed opposition of the restaurant in the proposed location, and supported a continuation of additional townhome units in the location, in an effort to strengthen the existing small townhome association. Commissioner Hartzler stated he is not opposed to the restaurant use but is more concerned about access.

Off-Street Parking Supply. Concern was cited by Staff related to the off-street parking supply proposed for the 112 unit, independent living facility (274 stalls are required and 164 stalls are proposed). In consideration of this concern, the developers indicated that the height of the independent living facility will likely be reduced from four to three stories. It was concluded by the Planning Commission that future submittals should address the noted parking concern, and incorporate the required parking in reasonable proximity to the independent living facility.

Private Street. Question was raised related to the inclusion of a private street within the project. Specifically, staff noted that the private roadway proposed within the development is narrowing than required by City Code, proposed at 24' versus the 28' required by code.

As a follow-up to the Planning Commission discussion, the developers (Craig Norenberg and Pablo Murillo) expressed their desire to locate their project in the City of Elko New

Market. Mr. Norenberg and Mr. Murillo specifically stressed their desire to develop a unique, high quality project which caters not only to seniors but their families as well.

The Planning Commission was generally supportive of the project and recommended that the concept plan be amended and consideration of the above items be incorporated into future submittals. Pablo Murillo stated that they could work with their architect to develop some solutions that could address the Planning Commission concerns.

There were no further comments offered by the Planning Commission related to the submitted sketch plan.

9. MISCELLANEOUS

A. City Staff Updates

Community Development Specialist Christianson advised the Planning Commission that a summary of project updates was included in the Commission packet and that she would entertain any related questions. Christianson did however, provide specific comments related to the status of the following projects:

- Pete's Hill residential development
- New Market Bank
- Warren Barsness commercial development

10. ADJOURNMENT

A motion was made by Thompson and seconded by Smith to adjourn the meeting. Vote for: Thompson, Hartzler and Smith. Against: None. Abstained: None. Vote 3-0. Motion carried.

The meeting ended at 10:05 pm.

Submitted by:

Bob Kirmis, City Planner