Hanover County, Virginia

Land Use Map

Legend

- Agricultural
- Rural Village
- Suburban Transitional
- Suburban General
- Suburban High
- Multi-Family
- Commercial
- Multi-Use
- Mixed-Use (LC/HR)
- Mixed-Use (HC/LR)
- Business-Industrial
- Industrial
- Limited Industrial
- Planned Business
- Destination Commerce
- Flood Plain

C-23-14

Big Oak, L.L.C.

Rezone A-1 to RM & M-1

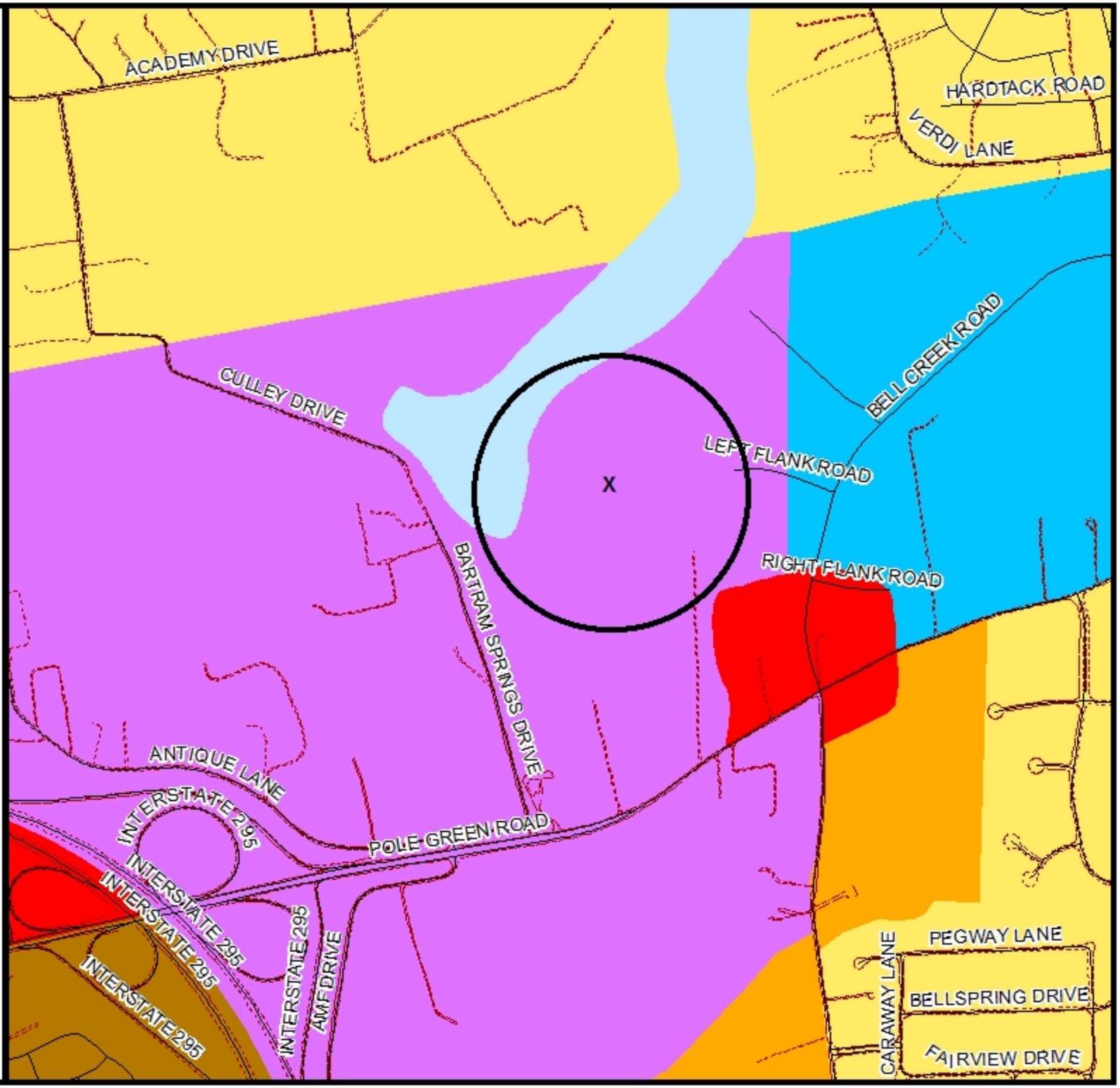
Multi-Use Land Use

GPIN: 8715-27-6619

Chickahominy Magisterial District

1 inch = 900 feet

November 04, 2014



Hanover County, Virginia

General Parcel Map

Legend

- Roads
- Water
- Trees
- Private Road
- Structures
- Parcels

C-23-14

Big Oak, L.L.C.

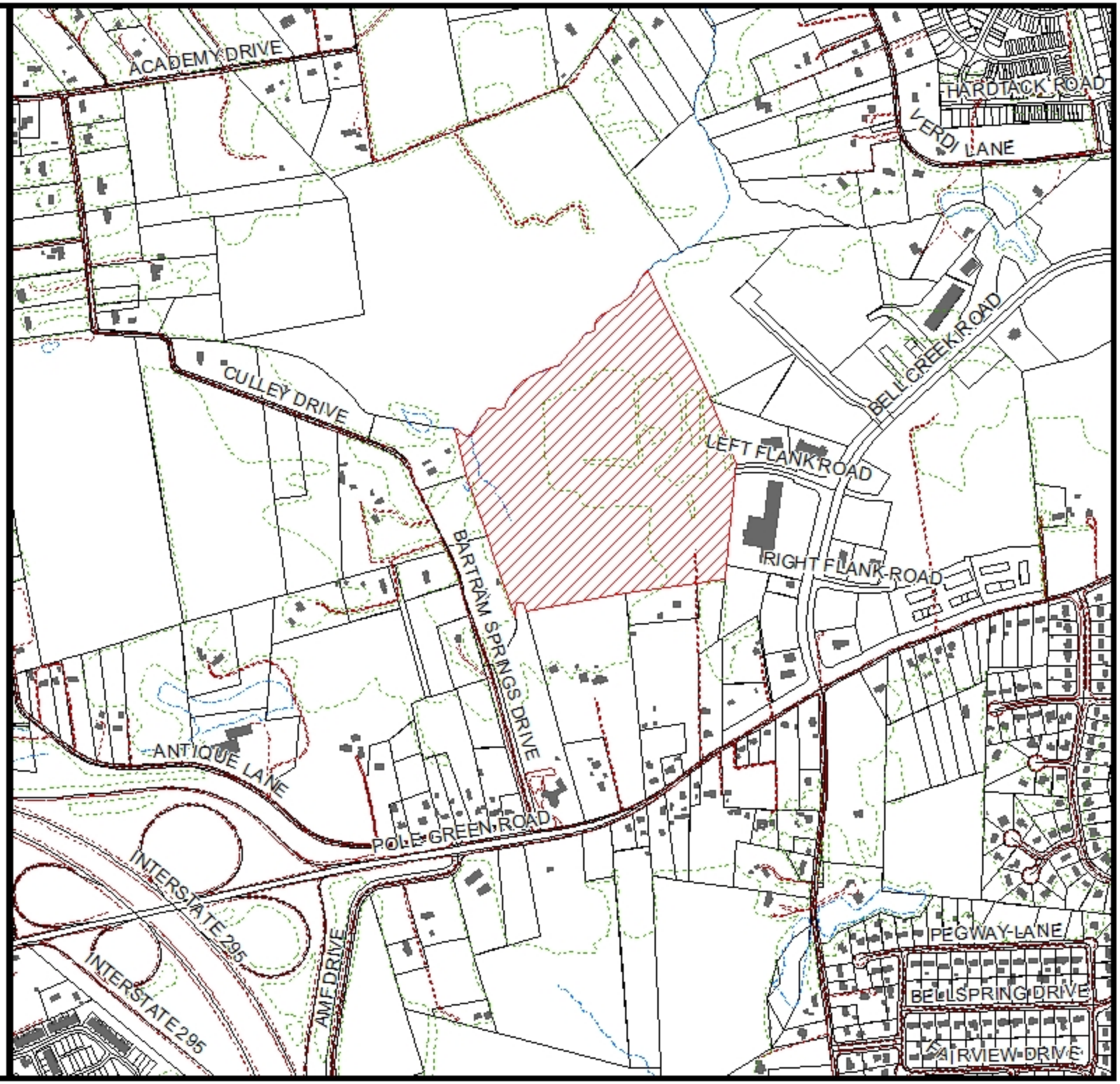
Rezone A-1 to RM & M-1

GPIN: 8715-27-6619

Chickahominy Magisterial District

1 inch = 900 feet

November 04, 2014



Hanover County, Virginia

Zoning Map

Legend

Roads	R-4
Water	R-5
Private Road	R-6
Parcels	RM
CUP	MX
A-1	B-1
AR-1	B-2
AR-2	B-3
AR-6	O-S
RC	B-O
RS	M-1
R-1	M-2
R-2	M-3
R-3	

C-23-14

Big Oak, L.L.C.

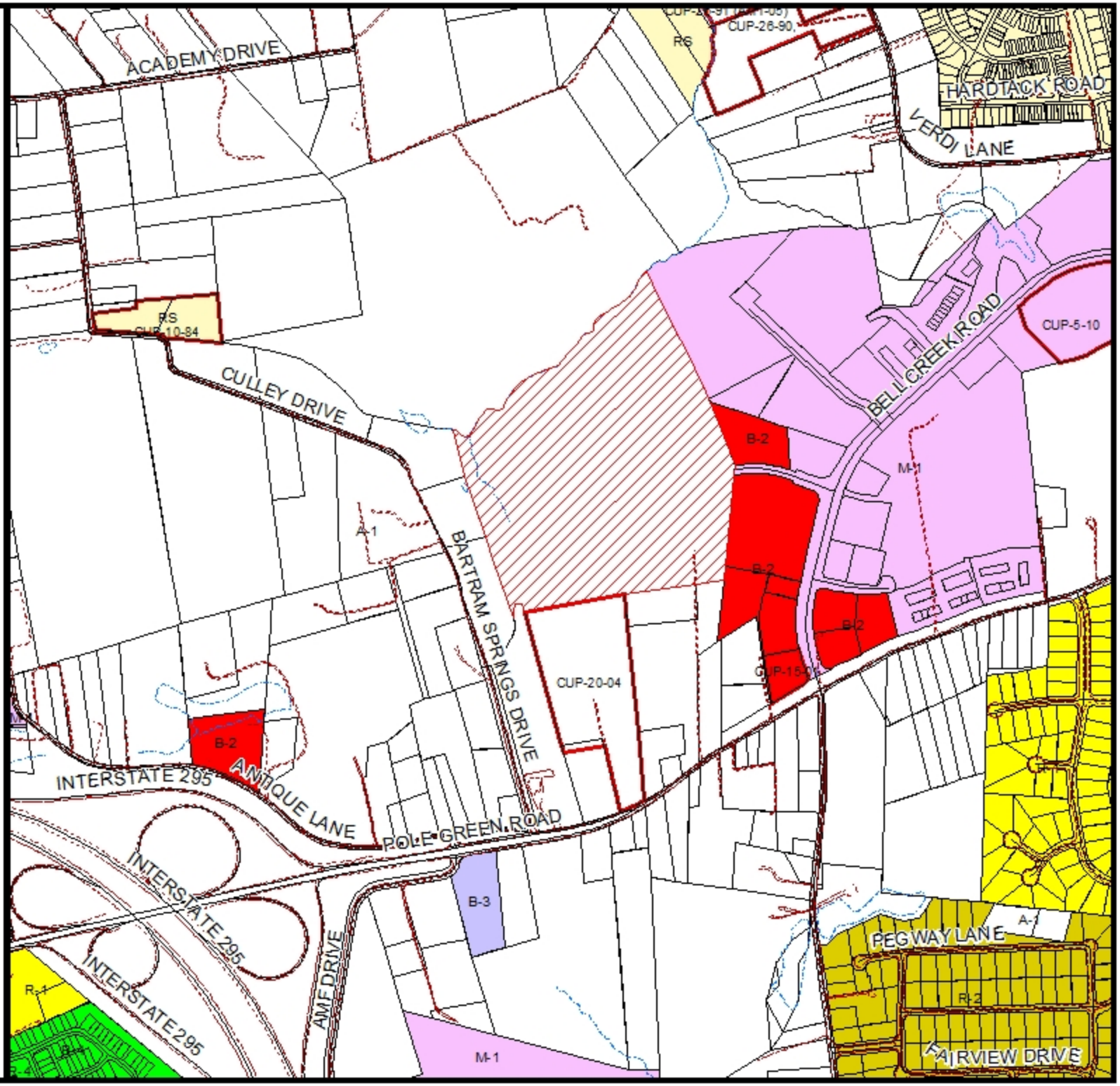
Rezone A-1 to RM & M-1

GPIN: 8715-27-6619

Chickahominy Magisterial District

1 inch = 900 feet

November 04, 2014



C-23-14 Big Oak, L.L.C.

2013 Aerial

0 155 310 620 Feet

C-23-14(c), BIG OAK DEVELOPMENT COMPANY, L.L.C.

Residential and Industrial Rezoning Report
Chickahominy Magisterial District
PC Meeting Date: February 19, 2015

HANOVER COUNTY VIRGINIA Birthplace of Patrick Henry Henry County Formed in 1720 PLANNING COMMISSION

Overview

Current Zoning	A-1, Agricultural District
Requested Zoning	RM(c), Multi-Family Residential District with conditions and M-1(c), Limited Industrial District with conditions
Requested Gross Density	8.7 units per acre
Acreage	63.17
Location	At the terminus of Left Flank Road (state route number pending) approximately 600 feet west of its intersection with Bell Creek Road (State Route 642)
GPIN	8715-27-6619
General Land Use Plan	Multi-Use
Major Thoroughfare Plan	Left Flank Road is not a major thoroughfare
Suburban Service Area	Inside
Case Planner	Gretchen Biernot

Executive Summary

This is a request to rezone 40.84 acres to RM(c), Multi-Family Residential District with conditions and 22.33 acres to M-1(c), Limited Industrial District with conditions on a 63.17 acre parcel adjacent to Bell Creek Park. 354 dwelling units are proposed on the RM portion of the property, which provides a gross density of 8.7 units per acre. The residential is comprised of 27 single-family lots, 111 townhouses, and 220 apartment units. The M-1 includes 12,000 square feet of retail/office space and 111,500 square feet of office warehouse.

Staff Recommendation

DENIAL of the request, based on the explanation detailed in this report.

Planning Analysis

Land Use and Zoning

The subject property is designated on the General Land Use Plan as "*Multi-Use*". Per Section 2 of the Hanover County Comprehensive Plan, the Multi-Use land use designation is intended to provide opportunities for the development of business parks, professional offices, limited industrial, and retail uses. These uses may be supplemented by the inclusion of a variety of residential uses at various densities, but residential development is not required for compliance with the land use designation. The plan further suggests that the ratio of non-residential land to residential land shall not be less than 35 percent to 65 percent respectively.

The land use policies contained in the Comprehensive Plan also state that project phasing be undertaken in a manner that ensures the primary emphasis of the designation is for business and professional uses. Accordingly, the plan states that "residential development shall not disproportionately precede business or professional development within a project". Other key policies of the Multi-Use designation include:

- Assurance that adequate transportation facilities are available to serve vehicles and pedestrians;
- Ensuring the proposed project is compatible and in harmony with the surrounding community;
- Promoting distinct and harmonious architectural styles; and,
- Provision of contiguous open space for both active and passive uses

The requested zoning designations include both M-1, Light Industrial District and RM, Residential Multi-Family District, which is supported by the Multi-Use land use designation.

Conceptual Plan

The subject property contains 63.17 total acres. Chesapeake Bay Preservation Areas total 16.60 acres, for a net developable 46.57 acres. Per the conceptual plan, the applicant is proposing to rezone 22.33 acres to M-1 and 40.84 acres to RM. The ratio of non-residential to residential area based on gross acreage is 35.3 percent to 64.7 percent which meets the Multi-Use policies. To ensure that the net developable acreage also meets the required land use ratios, staff requested the applicant provide the same calculation based on net developable acreage. That analysis indicates that the M-1 component will consist of 16.3 net acres while the RM component will consist of 30.27 net acres. The ratio of net non-residential to net residential area remains 35 percent to 65 percent, which also fulfills the Comprehensive Plan recommendations.

The non-residential uses are comprised of 111,500 square feet of office-warehouse space and 12,000 square feet of retail space. Although both light industrial and retail uses are permitted, the mix and location of non-residential uses is questionable. The proposed retail space will be located along a proposed extension of Left Flank Road behind the existing Bell Creek retail center. Additionally, the proposed office-warehouse use will be located south of and adjacent to both the retail center and proposed townhomes. The Commercial and Industrial land use strategies outlined in the Comprehensive Plan state commercial and industrial areas shall provide harmonious transitions to surrounding land uses. Staff does not find the transition between the residential and industrial

components of the project to satisfy this strategy. Staff would recommend that a transition from residential uses to less intensive commercial uses such as professional office to be more in keeping with the goals, objectives, and strategies outlined in the Comprehensive Plan. In addition, the arrangement of the various land uses should ensure that reasonable inter-parcel access can be achieved for both vehicular and pedestrian traffic. The proposed plan does not provide for clear inter-parcel connection between the residential and non-residential uses.

The applicant has not proposed or proffered a project phasing schedule to ensure the residential development does not disproportionately precede the commercial development. Staff provided a phasing recommendation to the applicant; however, the draft proffers do not include such a phasing plan. Therefore, staff finds the lack of project phasing to be incompatible with the Comprehensive Plan policies.

With regard to the RM, Multi-Family Residential District, the applicant is proposing to construct 220 apartment units, 111 townhouses, and 27 single-family detached homes for a total of 354 dwelling units. This represents a gross density of 8.7 dwelling units per acre. The two most recent zoning requests in the vicinity, Hanover Land Investors (C-9-13(c)) and King (C-8-14(c)), were approved for gross residential densities of 5.5 and 3.3 units per acre, respectively. Furthermore, the residential component of the Bell Creek project (including the 124 acres dedicated to the National Park Service) was approved for a gross density of 1.86 units per acre.

One of the principle criteria against which a project such as this must be evaluated is based on the stated policy that the project be compatible and harmonious with surrounding uses. Not only does the proposed density of the project significantly exceed existing and proposed densities of other contemporary projects along the Pole Green and Bell Creek corridors, but the proposed housing types and housing ratios are out of character with the area as well. Residential development in the area primarily consists of (1) properties located within residential subdivisions on which single-family detached housing, interspersed with some single-family attached units, have been constructed, and (2) residential properties that are not part of residential subdivisions on which single-family detached residential structures have been constructed.

Of the 354 proposed residential units, over 61 percent consist of multi-family units, 31 percent consist of single-family attached units, and 8 percent consist of single-family detached units. Although staff recognizes that that the Multi-Use designation provides for consideration of a variety of housing types, including multi-family, staff finds the proposed density and housing mix incompatible with the nearby residential community. As such, the objective of ensuring land uses are harmonious with the surrounding community has not been fulfilled.

From a regulatory perspective, many of the RM district requirements either have not been addressed, or the detail demonstrating compliance with the various regulatory requirements has not been provided on the conceptual plan. These deficiencies are highlighted in the attached comments from the Planning Department staff review comments. Additionally, during the February 3, 2015, community meeting held at Church of the Redeemer, the developer of the multi-family residential component commented that the design detail for that portion of the project was conceptual only. Section 26-85, Development Standards and Procedures found in the Zoning Ordinance requires development of the project to be in substantial conformity with the conceptual plan, which is approved by the Board of Supervisors as part of the approval of the district. This requirement allows for only minor technical adjustments between the approved conceptual plan and the actual site plan or subdivision construction plan.

The applicant has apparently not provided sufficient preliminary design of the multi-family component. As such, staff deems that the conceptual plan as provided is not responsive to the RM District regulatory requirements.

Transportation

A Transportation Impact Analysis (TIA) was prepared for this project. The intersections studied include Bell Creek and Pole Green Roads, Bell Creek and Left Flank Roads, Bell Creek and Right Flank Road, and Pole Green Road and the private access easement located west of Bell Creek Road. Per the analysis, the project is projected to generate nearly 3,800 vehicle trips per day. Additionally, the project will generate 299 AM Peak Hour trips and 379 PM Peak Hour trips.

Hanover County transportation policies suggest that County roads will function at Level of Service (LOS) D or better. Level of service is a measure of delay. A road segment or intersection functioning at LOS A experiences no delay, while LOS F experiences unacceptable delay or "gridlock" conditions. LOS D in the AM and PM Peak Hours (rush hour) is generally acceptable. Although traffic does experience delay during the peak hours, traffic continues to move safely and efficiently. Additionally, LOS D during the peak hours also means that there is little or no delay in the transportation network during off-peak hours.

The TIA offers the following recommended improvements:

- Installation of the proffered improvements at the Pole Green/Bell Creek intersection accepted with rezoning C-9-13(c), Hanover Land Investors, LLC
    - Restriping of northbound Bell Creek Road approaches to include a combined through/right turn lane and dedicated left turn lane
    - Signal head and timing adjustments to accommodate the restriped lanes and optimize traffic signal timing
- Construction of a second northbound left-turn lane on the Bell Creek Road approach at such time as the development (as determined at the time of site plan and/or construction plan review) exceeds 3,000 vehicles per day or 300 peak hour trips
    - Such an improvement will entail additional traffic signal improvements

If the recommended improvements were installed, the TIA suggests that all major street approaches to the studied intersections will function during the PM Peak Hour at LOS D or better. The major streets include Pole Green and Bell Creek Roads. VDOT has commented that further evaluation of the traffic impacts arising from the project on eastbound Pole Green Road may be required. However, the study also indicates that the minor street approaches (Left and Right Flank Roads) to Bell Creek Road will function at LOS F during the PM Peak. The study further states that the most feasible improvement would be the installation of a traffic signal at either of the two intersections. However, it is unlikely the minor approach traffic volumes for the two intersections will meet either the four or eight hour signal warrants. As such, the only remaining viable alternative to address the failing traffic movements would be a reduction in development intensity, thereby reducing the total daily and AM and PM Peak Hour trips.

Schools Analysis

Population Increase					
General Population	354 units	x	2.68 (avg. persons per household)	=	949 persons
School Children	949 persons	x	20% (avg. % of children per pop.)	=	189 children

Schools Affected	Capacity	2014 Enrollment
Washington Henry Elementary	493	477
Chickahominy Middle	1322	1179
Atlee High	1699	1677

The School Board assumes 50% of students will attend elementary school, 20% to middle school, and 30% to high school.

Community Meeting

The applicant held a community meeting on February 3, 2015. Concerns raised at the meeting included the following:

- Traffic impact to Pole Green Road and Bell Creek Road, which is already congested
- Apartments are not maintained over time, create more EMS/police service calls, and residents who live in apartments do not pay taxes and do not invest in the community
- Noise impacts on neighbors from M-1
- Stormwater impacts, particularly to the property to the south

Agency Analysis

Agency	Comment Summary
Public Works	New stormwater requirements for runoff reduction and channel protection will apply.
Public Utilities	Two independent water supply points will be required into the development.
VDOT	All roads are to be built and designed to VDOT SSAR standards. Streets with parallel parking will not be accepted into the state system.

Proffers

Staff provides the following comments on the proffers, dated February 5, 2015:

RM Proffers

1. Transportation Impact Fee. The standard proffer language has been submitted for a cash proffer in the amount of $2,306.00 to address impacts to the thoroughfare network.

2. Dumpsters. Dumpster screening materials have been proffered.

3. Parking Lot Lighting. Light poles are limited to 25' in height. The maximum height for the RM district would otherwise be 60'. All lighting on the subject property shall have a unified fixture style.

4. Signs. Unified materials and design shall be utilized for all freestanding signs throughout the RM and M-1 property.

M-1 proffers

5. Conceptual Plan. The applicant has proffered to develop the M-1 property in substantial conformity with the conceptual plan. The conceptual plan for the residential portion of the development is required to be submitted and approved as part of the RM zoning. The square footage of the M-1 was limited because the traffic study recommendations are based on the traffic generated by the specific square footage proposed.

6. Architectural Treatment. The applicant has proffered quality architectural materials to be used.

7. HVAC Units. The applicant has proffered to screen all mechanical units. Based on recent experiences with another site, the staff recommends the following language containing minor changes be used instead to ensure that these units are adequately screened:

   Any mechanical units on the M-1 Property shall be screened, and if on the roof, screened by a parapet wall that is an integral component of the building. Screening shall be designed so as to block such units from view by persons on any public streets immediately adjoining the M-1 Property, or from adjacent residential uses. The method of screening shall be submitted at the time of site plan review.

8. Monument Signs. As noted in the similar RM proffer, all freestanding signs shall utilize unified materials and design throughout the site.

9. Dumpsters. Dumpster screening materials have been proffered.

10. Parking Lot Lighting. Light poles are limited to 25' in height. The maximum height for the M-1 district would otherwise be 35'. All lighting on the subject property shall have a unified fixture style.

Proffers applicable to the entire property:

11. Road Improvements. The applicant has attempted to address the traffic impact of the proposed development with this proffer. Initially, staff recommended to the applicant this proffer on the traffic signal. However, upon further evaluation, staff's position has changed, considering that the traffic signal is unlikely to be warranted by this development and that those intersections will continue to fail and only get worse over time. To maintain a LOS D at the impacted intersections in accordance with County transportation policy, staff would recommend a reduction in the intensity of the project.

The second part of this proffer is related to the road improvements needed to address traffic impacts from the M-1 section of the development, based on the recommendations of the traffic analysis prepared by Kimley-Horn. Staff would note that the traffic analysis assumes that the road improvements proffered with C-9-13(c), Hanover Land Investors, will be completed prior to construction of the proposed project. Only the construction of a second left-turn lane has been proffered with this case, and levels of service will not be improved to a LOS D without the completion of the Hanover Land Investors road improvements. Therefore, staff would recommend that the applicant proffer those road improvements with this case as well, should they not be completed with the other development.

Recommendation

As indicated in the preceding analysis, staff has identified numerous inconsistencies between the proposed project and the policies contained in the Comprehensive Plan. Such inconsistencies include an imbalance in the non-residential land uses, poor location of the proposed retail use, incompatible transitions between residential and industrial uses, incompatibility between the proposed residential uses and the predominant residential characteristics in the vicinity of the project, lack of a commercial/residential phasing plan, and failure to address sub-standard transportation impacts arising from the proposed project.

In addition to the proposal failing to meet the overall policies outlined in the Comprehensive Plan, the conceptual plan contains errors and lacks the necessary detail for compliance with the RM district requirements, as well as other applicable ordinance requirements as outlined in the attached Planning Department staff memorandum. For these reasons, staff recommends **DENIAL** of zoning request C-23-14(c).

GJWB/sm/HTE

Attachments

- ☑ Maps (land use, vicinity, zoning, aerial)
- ☐ Historical Commission Recommendation
- ☐ Approved Proffers/Elevations/Conceptual Plan
- ☑ County Traffic Study
- ☑ Application Materials
- ☑ Agency Review Comments
- ☐ 527 Traffic Study
- ☐ Citizen Correspondence
- ☐ Photographs
- ☑ Proffers /Conceptual Plan

PROFFERS – C-23-14(c), Big Oak Development Company, LLC

The undersigned, owners of GPIN 8715-27-6619 (the Property"), voluntarily agrees for themselves, their agent, personal representatives, successors and assigns (collectively "the Property Owner") that, in the event the Property is rezoned from A-1 to RM and M-1, the development and use of the Property shall be subject to the following conditions:

PROFFERS APPLICABLE TO THE RM PROPERTY:

1. Transportation Impact Fee. The Property Owner, for itself, and its successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy, the amount of $2,306.00 per single family unit built on the RM zoned Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.

2. Dumpsters. Dumpsters on the RM Property shall be screened from any public right-of-way with a masonry screening wall.

3. Parking Lot Lighting. Light poles in the parking lot located on the RM property shall be no taller than twenty-five (25) feet and incorporate a unified fixture style that is consistent with lighting fixtures on the M-1 property.

4. Signs. All freestanding signs on the RM Property shall incorporate unified materials and a design that is consistent with signs on the M-1 property.

PROFFERS APPLICABLE TO THE M-1 PROPERTY:

5. Conceptual Plan. The M-1 area shall be developed in general conformity with the conceptual plan, titled "Big Oak at Bell Creek," dated January 27, 2015, as revised, and prepared by CiteDesign and with the preliminary subdivision plat, titled "Big Oak at Bell Creek," dated January 27, 2015, as revised, and prepared by Engineering Design Associates. The M-1 Area shall be limited to no more than a total maximum square footage of 123,500 square feet of building space.

6. Architectural Treatment. The exterior wall surfaces (front, rear and sides) of any building on the M-1 Property shall be similar in architectural treatment and materials. The buildings constructed on the property shall have exposed walls (above finished grade) of face brick, natural stone, glass stucco, drivit, exposed aggregate concrete or an equivalent permanent architecturally finished material. No portion of an exterior wall surface shall contain painted or untreated concrete masonry units, sheet or corrugated aluminum or metal, except that metal and/or aluminum may be incorporated for window and decorative treatments. The

architectural style of the non-residential structures shall be compatible with the materials, colors, and textures of the RM structures. All elevations shall be reviewed and approved by the Director of Planning prior to Site Plan approval to confirm such elevations are consistent with the requirements of this proffer.

7. HVAC Units. Any mechanical units on the M-1 Property shall be screened, and if on the roof, screened by architectural features which are compatible with the building façade architecture. Screening shall be designed so as to block such units from view by persons on any public streets immediately adjoining the M-1 Property, or from adjacent residential uses. The specific method of screening shall be submitted at the time of site plan review.

8. Monument Signs. All freestanding multi-use signs on the M-1 Property shall be monument type, and shall incorporate unified materials and a design that is consistent with signs on the RM property.

9. Dumpsters. Dumpsters on the M-1 Property shall be screened from any public right-of-way with a masonry screening wall.

10. Parking Lot Lighting. Light poles in the parking lot located on the M-1 Property shall be no taller than twenty-five (25) feet and incorporate a fixture style that is consistent with lighting fixtures on the RM property.

PROFFERS APPLICABLE TO THE RM and M-1 PROPERTY:

11. Road Improvements – The Owners agree to construct the following:

A. RM Property. The following road improvements shall be bonded as a subdivision improvement with the first section:

a. The Property Owner shall install a traffic signal at the intersection of Left Flank Road or Right Flank Road (whichever is warranted first) and Bell Creek Road. Traffic signal design shall include pedestrian buttons/pedestrian signal heads and crosswalks as may be approved by VDOT. If warrants for the signal are not met at the time of construction plan approval, then the cost for such signal shall be bonded; however, if the warrants are not met for this signal within twenty (20) years of rezoning approval, or VDOT does not approve installation of the signal within twenty (20) years of zoning approval, then bonds shall be released and the Property Owner shall have no obligation to construct the signal.

B. M-1 Property. The following road improvement shall be shown on the subdivision construction plans and shall be bonded as a subdivision improvement:

a. At the northbound approach on Bell Creek Road at its intersection with Pole Green Road, the Property Owner shall construct a second (dual) left-turn lane with 200' of storage and a 200' taper.

All such improvements noted above shall be designed and constructed in accordance with VDOT standards and specifications.

by power of attorney

Property Owner

2/5/15

Date

COMMONWEALTH OF VIRGINIA,
COUNTY OF HANOVER, to-wit:

I, Darlene M. Yeary, do hereby certify that Andrew M Condlin has acknowledged the foregoing Proffers before me, this 5th day of February, 2015.

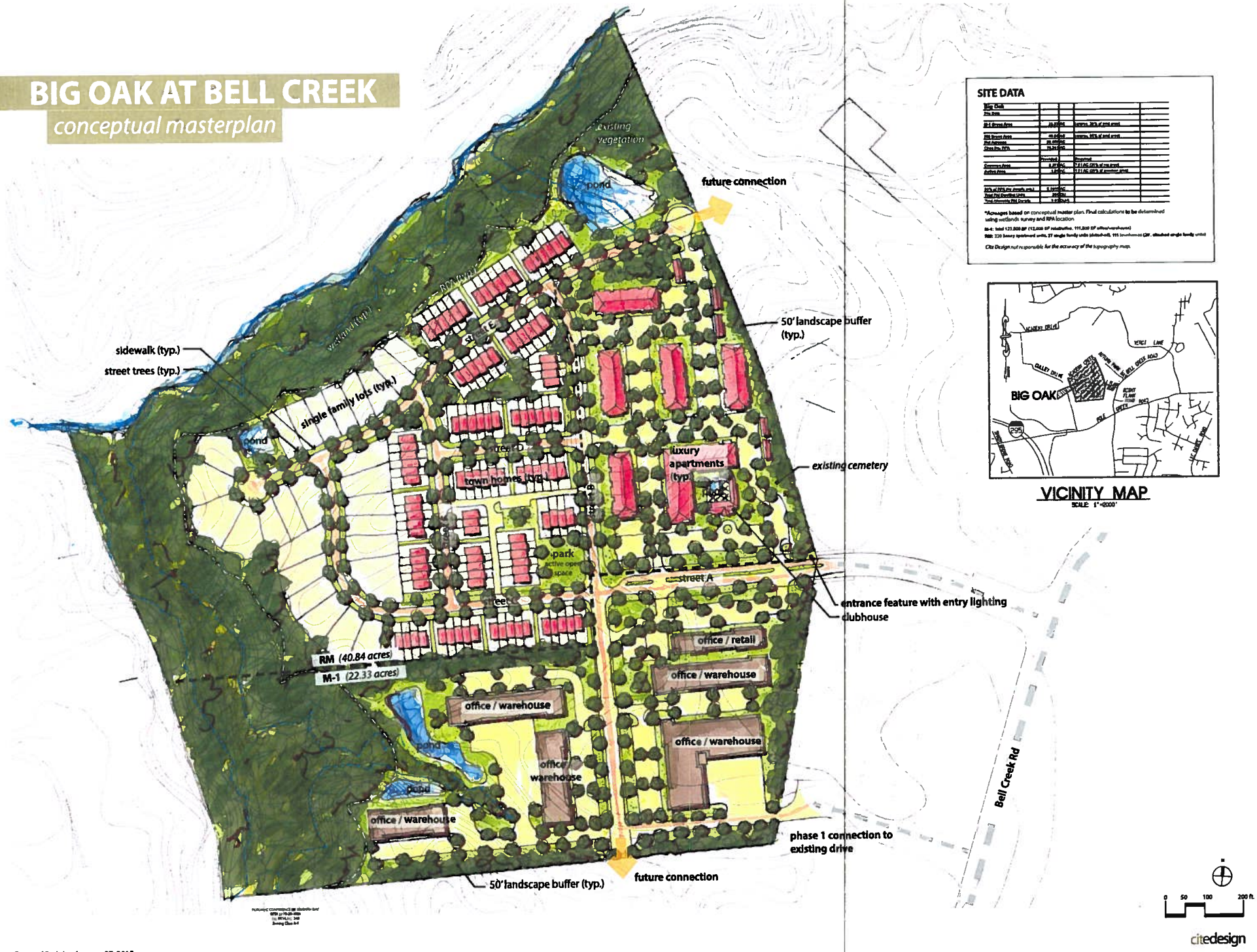
Darlene M Yeary (SEAL)
Notary Public

My Commission Expires: 4/30/15

Darlene M. Yeary
Commonwealth of Virginia
Notary Public
Commission No. 116167
My Commission Expires 4/30/2015

BIG OAK AT BELL CREEK

conceptual masterplan



SITE DATA

Big Oak				
Pre Data				
M-1 Gross Area	[illegible]		[illegible]	
RM Gross Area	[illegible]		[illegible]	
Pvt Agreeage	[illegible]			
Class Res. RPA	[illegible]			
	Provided		Required	
Common Area	[illegible]		[illegible]	
Active Area	[illegible]		[illegible]	
[illegible]	[illegible]			
Total Pvt Dwelling Units	[illegible]			
Total Affordable Pvt Dwelling	[illegible]			

*Acreages based on conceptual master plan. Final calculations to be determined using wetlands survey and RPA location

M-1: total 121,000 SF (12,000 SF retail/office, 111,000 SF office/warehouse)

RM: 220 heavy apartment units, 27 single family units (detached), 111 townhomes (2F, attached single family units)

Cite Design not responsible for the accuracy of the topography map.

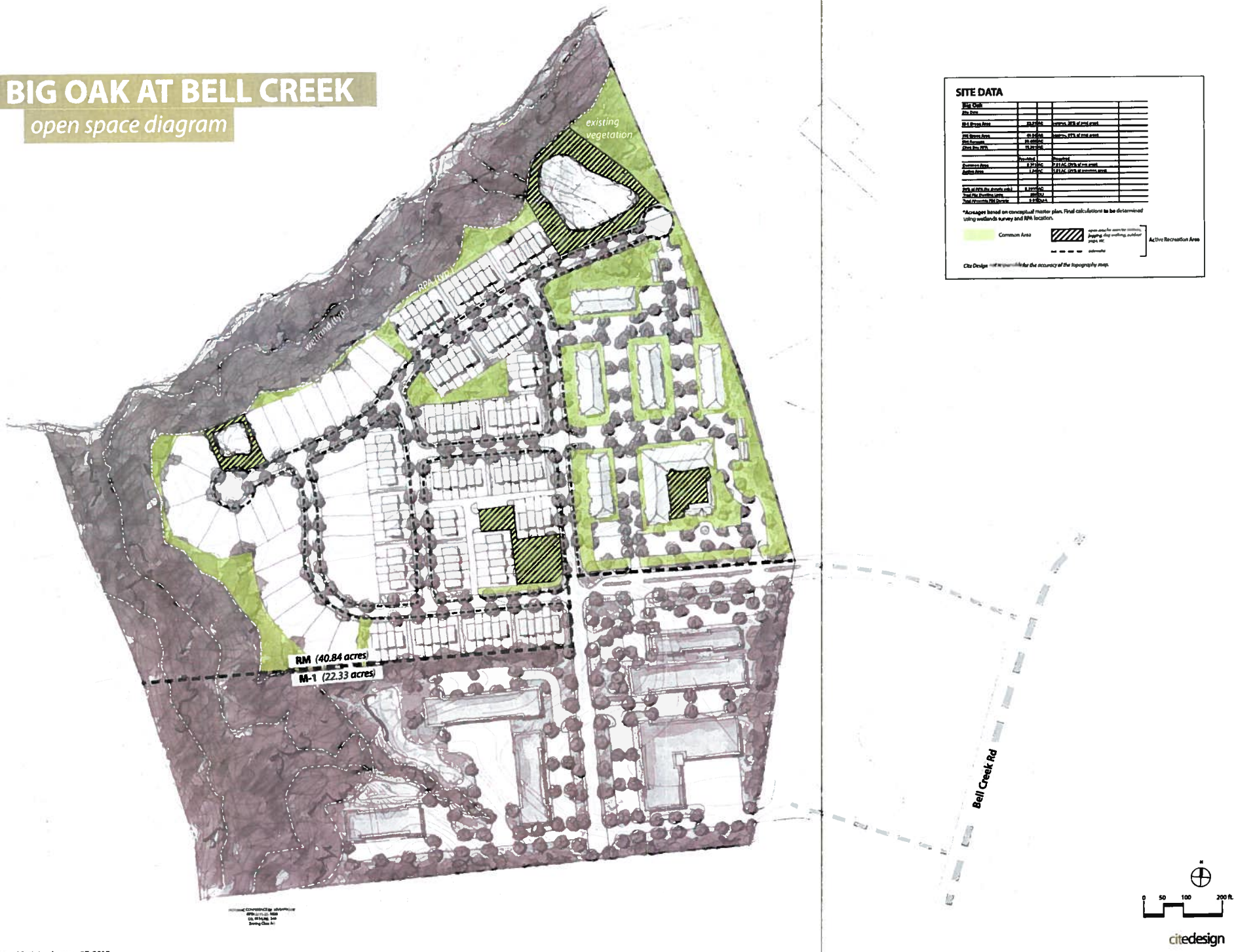
VICINITY MAP

SCALE: 1"=2000'

Hanover County, Virginia • January 27, 2015

BIG OAK AT BELL CREEK

open space diagram



SITE DATA

Big Oak				
Site Area				
M-1 Gross Area	[illegible]	[illegible]	[illegible]	
RM Gross Area	[illegible]	[illegible]	[illegible]	
RM Acreage	[illegible]	[illegible]		
Other Dev. RPA	[illegible]	[illegible]		
	Provided		Required	
Common Area	[illegible]	[illegible]	[illegible]	
Active Area	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]		
Total RM Dwelling Units	[illegible]	[illegible]		
Total Minimum RM Density	[illegible]	[illegible]		

*Acreages based on conceptual master plan. Final calculations to be determined using wetlands survey and RPA location.

Common Area

open area for exercise [illegible], jogging, dog walking, outdoor yoga, etc.

Active Recreation Area

Cite Design [illegible] for the accuracy of the topography map.

BIG OAK AT BELL CREEK

sample elevations: single family units

citedesign

BIG OAK AT BELL CREEK

sample elevations: townhomes

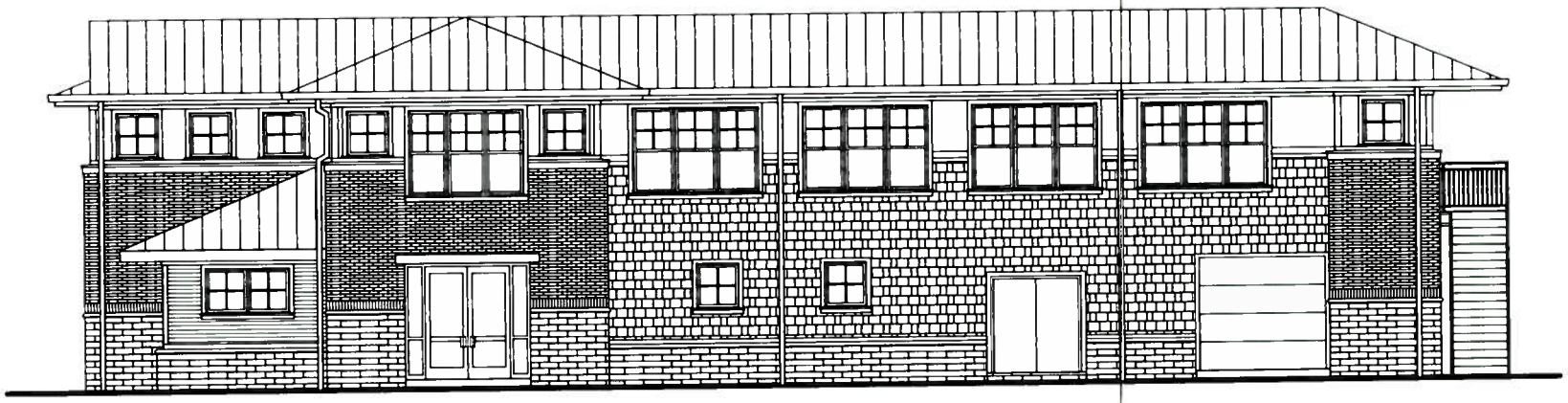
citedesign

BIG OAK AT BELL CREEK

clubhouse elevations

SOUTH ELEVATION - CLUBHOUSE

SCALE: 1/4" = 1'-0"



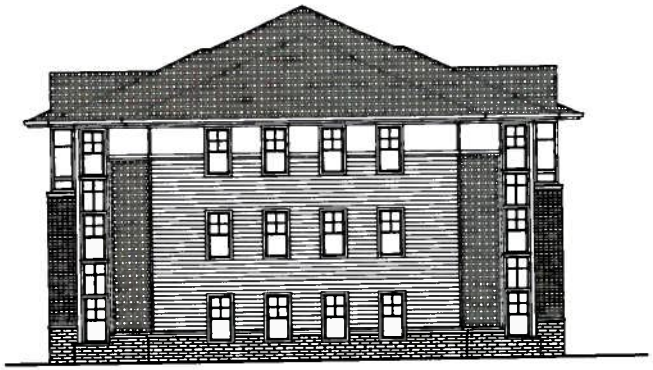
EAST ELEVATION - CLUBHOUSE

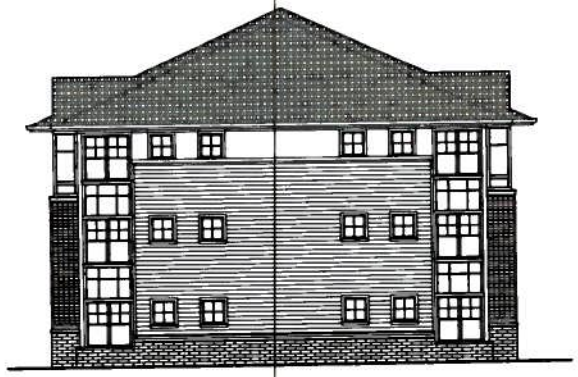
SCALE: 1/4" = 1'-0"

citedesign

BIG OAK AT BELL CREEK

luxury apartment elevations





END ELEVATIONS - 3 STORY WALK-UP

SCALE: 1/8" = 1'-0"

ROOF: CERTAINTEED LANDMARK 30 YEAR ARCHITECTURAL SHINGLES, COLOR: WEATHERED WOOD

SIDING ACCENT BANDS (AT ROOF LINE AND GABLE ENDS): PREFINISHED HARDIE 5/16" SMOOTH - PANEL SIDING, COLOR: COBBLESTONE

SIDING, LAP: OWENS CORNING (DISTRIBUTED BY NORANDEX / REYNOLDS) - CAMBRIDGE BEADED PREMIUM VINYL SIDING, COLOR: SIERRA

TRIM / BATTENS: HARDI FIBER CEMENT OR AZEK CELLULAR PVC, COLOR: WHITE

SIDING, SHINGLE PATTERN: OWENS CORNING (DISTRIBUTED BY NORANDEX / REYNOLDS) - HOME ACCENTS SHAKES DESIGNER VINYL SIDING, COLOR: TAN

BRICK VENEER: BRICK VENEER: COLOR - RED, SIZE: MODULAR

CAST STONE VENEER: ARRISCRAFT, COLOR: BEIGE

FRONT ELEVATION - 3 STORY WALK-UP (REAR SIMILAR)

SCALE: 1/8" = 1'-0"

citedesign

Hanover County, Virginia • January 27, 2015