## The LOUDOUN Newsletter

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## Cross Mill Center, Arcola Grove Data Center Projects Receive Narrow Board Approval

Two data center applications were approved this month, adding another 1.1 million square feet of data centers to the county's 45-million-square-foot-plus pipeline.

However, the single-vote margins and significant concessions made by the Cross Mill Center and Arcola Grove applicants—both dropped requests to exceed byright development potential—illustrate the increasingly narrow path forward for the industry in Loudoun County amid growing concerns about power infrastructure and supply.

<u>Cross Mill Center.</u> JK Land Holdings in July secured county board approval for a 556,700-square-foot data center project at the 22-acre Cross Mill Center site.

The final approval (5-4 vote: Briskman, Tekrony, Glass, and Turner opposed)—at nearly half the density originally proposed in March 2023—came after the applicant eliminated a special exception request for additional density.

Board chair Phyllis Randall (At-Large), who has increasingly cast the swing vote on data center applications, cited the industrial location near the Leesburg Airport as central to her support.

"I believe it is in the appropriate location," she said at the July  $1^{st}$  meeting.

"I won't say that I am thrilled about saying yes. [But] I was trying too hard to get to a no."

The approved rezoning (from JLMA-20 to PD-IP) permits data center development up to a 0.6 FAR and 60 feet in height northeast of the Cross Trail Boulevard and Sycolin Road intersection. The undeveloped property sits amid an emerging industrial corridor north of the Dulles Greenway

alongside several approved data center campuses, a FedEx last-mile distribution facility, and a natural gas power plant.



Cross Mill Center; Site Map
Source: LEGI-2023-0064 – Staff Report (7/1/2025)

"It is difficult for me to say 'no' to [this] one because this is where we want [data centers]," added Dulles Supervisor Matthew Letourneau.

"Anything short of that is just to simply say 'no more data centers whatsoever,' which is not a position I think is necessarily defensible, legally, for the county."

Nevertheless, supervisors who opposed the application raised concerns about power availability—an issue that the county attorney has stated cannot legally serve as grounds for denial.

Ashburn Supervisor Michael Turner and Algonkian Supervisor Juli Briskman both called approval "unconscionable," with Turner stating he would not support additional data centers until power supply and transmission issues are resolved.

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## County Board Overturns Substation Permit Denial; September Hearing Looms for Tuscarora Crossing Request

The county board voted unanimously to overturn the planning commission's denial of a commission permit for a substation at a Tuscarora Crossing data center project, finding that the commission exceeded its statutory authority.

"It is fairly obvious to me that the planning commission erred legally in its decision," said Dulles Supervisor Matthew Letourneau at the July 9<sup>th</sup> public hearing.

"I have no doubt it would be overturned by another body."



**Tuscarora Crossing – Landbay 3; Site Map** Source: LEGI-2024-0043 – Staff Report (7/9/2025)

However, the fate of the BlackChamber Group's associated special exception application for the substation remains uncertain ahead of a September vote—a decision that could effectively kill the approved data center project despite its 2015 entitlement.

In 2015, the county board approved the Tuscarora Crossing rezoning, which permitted nearly 500 residential units, an 85,000-square foot shopping center, a 1.24-million-square foot data center campus, and 191,000 square feet of general industrial uses across seven proposed landbays on either side of Crosstrail Boulevard south of Leesburg.

Three years later, the applicant returned with ZCPA application to eliminate the shopping center, add a 180-unit, all-affordable building, and increase the data center density from 0.6 to 0.8 FAR. As part of that approval, a substation site was included as part of the development.

In May, the planning commission denied the commission permit for the substation based on the proposed location and surrounding character of the site. The applicant immediately appealed the decision, citing state law that limits planning commission review to whether the general location and character of the utility use is "substantially in accord with the adopted comprehensive plan."

Attorney Antonio J. Calabrese (DLA Piper LLP) argued the 6.25-acre substation site clearly met that standard, given its location within the JLMA Employment place type where data centers are a conditional use and directly adjacent to three existing substations, a Dominion transmission corridor, Luck Stone's Goose Creek Plant, an asphalt plant, and the county jail.

"The legal standard is narrow and clear," he said.

County supervisors agreed, with board members calling the appeal "a slam dunk case," "open and shut," and "fairly cut and dry."

The more complex decision awaits in September, when the board will vote on the special exception application for substation use—a requirement created by March zoning changes that eliminated by-right development for data centers and associated utility infrastructure.

Ashburn Supervisor Michael Turner acknowledged the potential legal and ethical binds created by denying infrastructure for an already-approved project. The applicant has already secured site plan approval for a two-building, 720,370-square-foot data center on the 37-acre Landbay 3, making the substation approval critical to the project's viability.

"It is clear to me that this data center was approved with the intent of building a substation," Turner said.

Denying the special exception, he explained, could "theoretically kill this data center by the backdoor"—creating an end-around method to block data center development that would invite legal challenges.

"This is a tough vote for me," he said.

The county board will consider the Tuscarora Crossing – Landbay 3 special exception application when it returns from its August recess.

"I don't know how I am going to vote in September," said Algonkian Supervisor Juli Briskman. "I have a lot of concerns about this substation."