Judgment rendered November 18, 2026.
Application for rehearing may be filed
within the delay allowed by Art. 2166,
La. C.C.P.

No. 57,203-CA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

* * * * *

TYLER GORDON, MICHAEL CRAFT, AND MARY BLAKEMORE — Plaintiffs-Appellants

versus

CITY OF SHREVEPORT — Defendant-Appellee

* * * * *

Appealed from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 661,810

Honorable Ramon Lafitte, Judge

* * * * *

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* * * * *

Before STONE, STEPHENS, and ROBINSON, JJ.

STEPHENS, J.,

This civil appeal arises from the First Judicial District, Parish of Caddo, State of Louisiana, the Honorable Ramon Lafitte, Judge, presiding. The plaintiffs, Tyler Gordon, Michael Craft, and Mary Blakemore, have appealed from the trial court's judgment affirming the Shreveport City Council's decision approving a special use permit. For the reasons expressed below, we affirm the trial court's judgment.

FACTS AND PROCEDURAL HISTORY

On October 17, 2025, Bohler Engineering filed a development application with the Shreveport/Caddo Metropolitan Planning Commission ("MPC"), seeking a special use permit for a proposed data center. Bohler requested that the data center be developed on approximately 254 acres zoned I-1 PUD, Light Industrial Planned Unit Development ("PUD"), an area known as Resilient Technology Park located off Greenwood Road. The application requested approval for seven buildings, each measuring 400,000 sq. ft., to be used as a data center, along with various support buildings such as water storage, a substation, a lift station, and offices. The Bohler Project Team held a community meeting about the project on November 13, 2025, where an open floor discussion occurred at the Bill Cockrell Community Center in Shreveport involving the project's purpose, design elements, and anticipated timeline, as well as community considerations and feedback.[1]

Following Bohler's development application, the MPC staff issued a report which included findings that data centers are permitted within the I-1

[1] The staff report indicated that 11 members of the neighborhood community were present as well as elected officials, several members from the applicant team, and two MPC staff members. The community members raised concerns about the impact to the water and electrical supply, traffic, and noise generated by the proposed data center. Job creation potential and other benefits to the community were also discussed.

base zoning district, but that a special use permit is required when the site is located within 200 feet of a residentially zoned district. The report described that the proposed site at Resilient Technology Park was rezoned on several occasions and had previous plan approvals for various developments, but these prior developments never occurred.[2] The report also detailed that the proposed site abuts residentially zoned districts on the north and east sides; therefore, a special use permit application was required. The MPC staff explained that the closest residential dwelling is approximately 250 feet from the property boundary of the proposed site. The MPC staff report ultimately concluded that the proposed development properly mitigated the impact of the proposed use, and approval was warranted. In the report, all 12 criteria of development standards and design specifications were deemed satisfied as follows:

> *Section 16.3.E.1: the design, location, and operating plans of an SUP must be such that the public health, safety and/or welfare is protected*. Since the property in question is part of a PUD, the site plan incorporates several amenities **beyond the minimum requirements** of the code that are intended to protect the public health, safety, and welfare of the surrounding property owners. The amenities are as follows: a. Two dense wooded buffers located throughout the site to shield surrounding properties from activities at the site, including: (1)

[2] The MPC staff report detailed the zoning history as follows:

> "In 1990, the rear portion of this site was rezoned from R-A to I-2 and received site plan approval for industrial manufacturing, warehouse & distribution (C-55-90). There was a stipulation to revert to R-A if development did not occur. The property reverted to R-A due to this stipulation. In 2011, the entire lot was rezoned from R-A to R-A-E, Rural Ag Extended Use for a proposed warehouse and distribution center. Again, development did not occur, and the zoning reverted to R-A (C-76-11). In 2016, the property was rezoned from R-A to I-1 (PUD). If development didn't occur within 2 years, then the only thing that expired was the preliminary plat. The PUD designation stayed, along with all stipulations and public amenities. Development did not occur within two years, and the preliminary site plan expired. The I-1 PUD designation remained. (C-6-16). In 2020, a new preliminary site plan was approved for a SWEPCO transmission control center. (20-197-C)."

A 150’ wide forested buffer separating the proposed development from the residentially zoned property along its western and northern boundaries shall be maintained and preserved; and (2) A wooded buffer of an undetermined size at the southern end (front) of the property to separate it from the existing B-S and I-1 uses along Greenwood Rd. shall likewise be maintained and preserved; b. Tree preservation at the site which will leave a substantial wooded area along the south eastern boundary and serves to separate the property from the existing I.1 use adjacent to the site; c. Use of building materials with high solar reflexive indices to minimize heat island effect; d. Additional landscaping will be provided at the site of the detention ponds; and e. Signage at the site will be limited to monument and architectural signage styles.

Section 16.3.E.2: the proposed special use is compatible with the general land use of adjacent properties and other property within 300 feet. The proposed building area is situated **more than 500 feet from the nearest residential dwelling**, providing a substantial spatial buffer between the use and surrounding neighborhoods mitigating potential land-use conflicts. The site contains mature vegetation along its perimeter, which the applicant intends to retain in order to preserve existing visual screening and reduce potential impacts. Due to the sites proximity to an interstate and a major highway, ambient noise levels in the area are already elevated; therefore, **noise generated by the data center’s operations is not anticipated to exceed existing background conditions**. Additionally, the proposed use is characterized by low trip generation and is not expected to produce traffic volumes that would negatively affect adjacent roadways or residential areas. Based on the site’s layout, the retention of existing buffers, and the low-intensity operational characteristics of the use, the proposed development is expected to be compatible with surrounding land uses.

Section 16.3.E.3: the special use conforms to the regulations of the zoning district where it will be located. The proposal **exceeds** the zoning district regulations and all amenities from the approved PUD are met, as proposed in the site plan.

Section 16.3.E.4: the location and dimensions of all public rights-of-way on or abutting the proposed special use. Primary access to the site will be from Resilient Way, which is a recently constructed public dedication that also serves the SWEPCO transmission control center. Future access to the site is proposed from Bert Kouns Industrial Loop, which is currently undeveloped. The site plan proposes a future extension of the Industrial Loop; however, this will require separate approval from the subject application. A traffic impact study will be required prior to the release a building permit. It’s important to note

that a traffic impact study will not determine whether a land use should be denied or not, rather it will determine if changes to the right of way are necessary to accommodate the proposed use.

Section l6.3.E.5: existing and proposed vehicular and pedestrian circulation systems; including streets, alleys, walkways, service areas and loading areas, the location and arrangement of off-street parking areas and all points of vehicular entrance and exit. Off-street vehicle parking is no longer required to meet a specific minimum ratio following the adoption of the recent parking reform code text amendment. The applicant has proposed 750 vehicle parking spaces, which they indicate is necessary to support the needs of the facility. This should not be interpreted as representing the total number of vehicles expected to be on site at any given time. As indicated, this is a low traffic generating use; however, due to the scale of the overall development, each building requires an adequate supply of parking spaces, resulting in a higher cumulating parking count.

In terms of site access, the primary driveway on Resilient Way is situated at the far northern end of the property. This configuration allows vehicles entering the site to be fully removed from Greenwood Road, minimizing the potential for vehicle stacking or congestion along the roadway that could interfere with other motorists. The traffic impact study will reveal whether further mitigation is warranted.

Section 16.3.E.6: the outdoor surfacing end paving for all parking and loading areas. The outdoor parking areas will comprise of heavy-duty concrete, meeting the code requirements.

Section 16.3.E.7: the proposed perimeter treatment of the property, with indication of screening materials to be used, including fences, walls, and plants: together with a description of uses, setbacks and the relationship to surrounding areas. Section 16.3.E.8: a landscape plan showing proposed treatment of the areas designated as either buffers or open space. As required by the 2016 PUD approval, a 150' buffer yard will be preserved at the northern boundary of the site where it abuts undeveloped residentially zoned property. On the eastern portion of the site, the proposed buildings will be situated approximately 443' from the adjacent undeveloped residential parcel. While the UDC requires a minimum buffer yard of 30' when an industrial district abutting residential, the site plan shows that existing vegetation at a depth of approximately 300' will remain on the east property boundary and 150' on the north boundary. Given the proximity to residentially zoned land, these areas warrant heightened sensitivity with respect to the impact of the proposed use. The additional vegetated buffer significantly **exceeds minimum**

requirements and provides appropriate mitigation between the proposed industrial use and the adjoining residential properties.

Section 16.3.E.9: the location and dimensions of all existing and proposed easements and public improvements on the site. The City of Shreveport Public Works Department has reviewed the plans. There are no known easements or public improvements on site.

Section 16.3.E.10: the location and size of all structures, distances between buildings, and distances from structures to property lines. Section 16.3.E.12: the proposed use of all structures and their dimensions, i.e., height, floor areas, entrances, and loading areas. As previously indicated, there is substantial distance of the proposed buildings to the property lines, mitigating the impact of the use. Each building will be 400,000 sf in area and is sited at the interior portions of the site where visibility from surrounding property and Greenwood Road is minimal. The I-1 zoning district limits building height to 60', measured as the vertical distance from grade to the top of the highest point of the roof or structure; excluding penthouses to house mechanical appurtenances; however, the UDC allows the building to exceed this building height provided that each required front, side, and rear yard is increased one foot for each foot of such excess height. As such, the applicants proposal of a 69' building meets the requirements of the UDC.

Section 16.3.E.11: the location and description of all signage, including facade signs on buildings. The applicant is proposing two monument signs: one along Greenwood Road and one along the undeveloped portion of Bert Kouns Industrial Loop. The site plan indicates that both signs will be 8' in height and 64sf in area, meeting the requirements of the PUD and the I-1 zoning district sign dimensional requirements. The sign details will be reviewed during the sign permitting process. (Emphasis added).

On December 3, 2025, the MPC held a public hearing, and the minutes reflect that several statements were given for and against the development of the proposed data center. A representative of Shreveport Water & Sewerage as well as Southwestern Electric Power Company ("SWEPCO") were present at the hearing and informed the MPC that both companies had the capacity and ability to support the project's needs as it relates to supplying water and electricity and dealing with wastewater.

Following these statements made by community members, the MPC moved to approve the application and site plan, but the vote tied. This tied vote was deemed a denial of the application.

Following this denial, Bohler timely appealed the MPC's decision to the Shreveport City Council. A public hearing was conducted on December 18, 2025. During the course of the nearly four-hour hearing, proponents and opponents of the data center spoke. Shreveport Water & Sewerage and SWEPCO representatives were present at this hearing and told the City Council that both companies had the capacity and ability to support the project's needs relating to water, wastewater, and electricity. Members of the City Council also addressed those in attendance and gave their thoughts and opinions about the proposed data center. Ultimately, the City Council unanimously voted to reverse the MPC's denial and approved the special use permit and site plan.

On January 21, 2026, the plaintiffs filed a petition for judicial review with the district court seeking a judgment reversing the City Council's grant of the special use permit. The petition alleged that the City of Shreveport violated its constitutional and statutory obligations when it voted to overturn the MPC's denial of the special use permit. The plaintiffs urged that the City Council: 1) failed to provide due process to the citizenry; 2) arbitrarily overturned the MPC's decision without an adequate record or basis; 3) failed to require support for, consider, or properly apply the standard required by the ordinance; 4) failed to require conditions on the approval that were acknowledged to be necessary; and 5) failed to adequately consider environmental impacts. The plaintiffs further alleged that Mayor Tom

Arceneaux and the City Council unlawfully withheld public information from the citizens by entering into nondisclosure agreements.

In reply, the City of Shreveport filed exceptions of no right and no cause of action and answered the petition on February 18, 2026. The trial court held a hearing on April 20, 2026, following which it rendered judgment affirming the City Council's decision. According to the trial court, the City Council did not act in an arbitrary and capricious manner. The trial court also found moot the exceptions of no right and no cause of action since the court had ruled on the merits of the case. The plaintiffs have appealed from the trial court's adverse ruling.

DISCUSSION

The plaintiffs have alleged three assignments of error. First, they urge that the trial court erred in failing to correctly apply the standard of review when faced with a decision by the City Council that violated its own ordinances. Next, the plaintiffs maintain that the trial court erred in failing to correctly apply the standard of review when faced with inadequate support in the record for the City Council's decision. Lastly, the plaintiffs assert that the trial court erred in failing to apply correctly the standard of review when faced with a decision by the City Council that violated the Louisiana Constitution and the positive statute implementing it.

It is the plaintiffs' position that Unified Development Code ("UDC") Article 16.3(E)(1) requires "[t]he design, location, and operating plans of a special use must be such that the public health, safety, and/or welfare is protected." The assertion that operating plans can be "gleaned" from the entirety of the record is insufficient, according to the plaintiffs. The

plaintiffs maintain that nothing in the record addressed the operation of the data center itself.

Furthermore, the plaintiffs assert that the premise of locating the data center in an "I-1 zone directly adjacent to a residential zone because it is simply 'low-intensity' 'warehousing' is pure fantasy." Although the plaintiffs concede that the City Council had authority to impose conditions on the approval of the special use permit and certain council members acknowledged these "conditions" needed to be in place, it is the plaintiffs' position that the City Council gave blanket approval without a single condition imposed to mitigate and minimize impacts to the community. Similarly in its failure to mitigate and minimize impacts to the community, the plaintiffs urge that the City Council failed to adequately consider the environmental impacts of the proposed data center. Lastly, the plaintiffs contend that critical information was available to Bohler, the City Council, and other decision-makers but was withheld from the public when these decision-makers signed nondisclosure agreements. These agreements, according to the plaintiffs, violated the Louisiana Constitution.

In response, the City of Shreveport argues that the plaintiffs have failed to show that the City Council acted without considering the requisite criteria and the facts and circumstances surrounding the data center project. The City contends that the City Council was apprised of all 12 factors of UDC Article 16.3(E) and considered them and a voluminous record in great detail, conducted a hearing, heard from multiple proponents and opponents of the project, and then voted unanimously to approve the special use permit and site plan. Likewise, because the plaintiffs argue that the City Council withheld information from the public, the City urges that this is a Public

Records Act claim. According to the City, the plaintiffs have cited no authority in support of their argument that the existence of a nondisclosure agreement invalidates a properly made legislative decision. Consequently, the public records allegations furnish no basis to vacate the City Council's approval of the permit.

Article VI, § 17 of Louisiana's Constitution explicitly grants parishes and municipalities not only the power to adopt land use regulations, but also the power to implement those regulations through the creation of commissions, and the power to review the land use decisions of any such commission. Specifically, La. Const. art. VI, § 17 provides:

> Subject to uniform procedures established by law, a local governmental subdivision may (1) adopt regulations for land use, zoning, and historic preservation, which authority is declared to be a public purpose; (2) create commissions and districts to implement those regulations; (3) review decisions of any such commission; and (4) adopt standards for use, construction, demolition, and modification of areas and structures. Existing constitutional authority for historic preservation commissions is retained.

Because a land use decision is an exercise of the parish or municipality's legislative power and function, it is not subjected to the same standard of judicial review as a typical civil decision by a court or similar tribunal. Jurisprudence reflects that courts have historically afforded deference to local government land use decisions. *See Toups v. City of Shreveport*, 10-1559 (La. 3/15/11), 60 So. 3d 1215; *King v. Caddo Par. Comm'n*, 97-1873 (La. 10/20/98), 719 So. 2d 410; *Palermo Land Co., Inc. v. Planning Comm'n of Calcasieu Par.*, 561 So. 2d 482 (La. 1990).

In *Palermo*, *supra*, the Supreme Court explained in part:

> Zoning is a legislative function. The authority to enact zoning regulations flows from the police power of the various governmental bodies. As the local governing body with final zoning authority, the

> Police Jury of Calcasieu Parish has the authority to amend, supplement, change, modify or repeal existing zoning ordinances.
>
> . . . .
>
> A challenge to a zoning decision in Louisiana is a *de novo* **proceeding** in which **the issue is whether the result of the legislation is arbitrary and capricious**, and therefore a taking of property without due process of law. Whether an ordinance bears the requisite relationship to the health, safety and welfare of the public is a factual question which must be determined from the evidence in the record. If it appears appropriate and well-founded concerns for the public could have been the motivation for the zoning ordinance, it will be upheld.
>
> The differing needs of each parish, according to its size, population, level of industrial and commercial development, and the rapidity of growth of such development, will naturally result in different planning and zoning regulations in each parish. The need for change through rezoning or reclassification will depend on the same factors, thus rezoning decisions are properly left to those officials who are most familiar with the needs of each community. **Judicial review of zoning decisions acts merely as a check on this legislative power granted to parish officials to ensure that there is no abuse of the power. Courts will not and cannot substitute their judgment for that of the legislative authority.** (Emphasis added).

Id. at 491.

Likewise, in *King*, *supra*, the Court recognized the "broad powers" to adopt regulation for land use, zoning, and historic preservation, as well as confirmed the arbitrary and capricious standard relative to review of land use decisions:

> Because zoning falls under the jurisdiction of the legislature, courts **will not interfere** with their prerogative unless their action is palpably erroneous and without any substantial relation to the public health, safety or general welfare.
>
> The terms "arbitrary and capricious action" when used in a manner like the instant one, must mean willful and unreasoning action, absent consideration and in disregard of the facts and circumstances of the case. On the other hand, when there is room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due

> consideration, even though it may be believed that an erroneous conclusion has been reached.
>
> The test of whether a zoning board's action is arbitrary and capricious is whether the action is reasonable under the circumstances. **A reviewing court does not consider whether the district court manifestly erred in its findings, but whether the zoning board acted arbitrarily, capriciously or with any calculated or prejudicial lack of discretion.**

King, 97-1873, p. 14-15, 719 So. 2d at 418.

Similarly, the Louisiana Supreme Court in *Toups*, *supra*, reiterated these principles and further explained that a court may not constitute itself as a zoning commission, or 'super-zoning' commission, or zoning board. Courts have recognized it is not within the province of the appellate court to second guess a zoning decision that appears to have been based on appropriate and well-founded concerns for the public. *Toups*, 10-1559, p. 5, 60 So. 3d at 1218.

In its most recent decision relating to an appellate court's review of land use decisions, the Supreme Court in *Alexander v. St. James Parish*, 25-0866 (La. 3/6/26), 429 So. 3d 255, determined that this arbitrary and capricious standard of judicial review is not limited to zoning decisions. The same standard applies to other land use decisions by a governmental entity, as those decisions derive from the same constitutionally bestowed police power. *Id.*, 25-0866, p. 16, 429 So. 3d at 267; *Glomax, LLC v. Lafayette Consol. Gov't*, 24-183 (La. App. 3 Cir. 11/27/24), 403 So. 3d 32, *writ denied*, 24-01587 (La. 4/8/25), 405 So. 3d 573; *Garber v. City of New Orleans Through City Planning Comm'n*, 16-1298 (La. App. 4 Cir. 12/13/17), 234 So. 3d 992, *writ denied sub nom. Garber v. City of New Orleans*, 18-0351 (La. 4/20/18), 240 So. 3d 924. Moreover, this standard of

review is applicable regardless of whether a court is reviewing the validity of a zoning or land use regulation, or reviewing the governmental entity's decision after application of its regulation. *Alexander*, *supra*; *Toups*, *supra*. Enactment, implementation, decision making, and review are all powers constitutionally conferred to parishes and municipalities under Article VI, § 17. *Alexander*, *supra*.

A special use permit is a dispensation whereby a landowner may vary from the strict terms of a zoning ordinance. *King*, *supra*; *Gladstone Area P'ship, Inc. v. City of Shreveport*, 54,349 (La. App. 2 Cir. 4/13/22), 337 So. 3d 589. The standards for granting a SUP must ensure equal treatment for all applicants to prevent the governing authority from exercising its power arbitrarily. *Id*.

As articulated in *Alexander*, a court's review in land use cases simply examines whether the governmental entity's administrative decision was made within the confines of the constitutional or statutory police power and whether the result of the decision was arbitrary or capricious. *Alexander*, *supra*; *Palermo Land Co.*, *supra*. In *Palermo Land Co.*, *supra*, the Court emphasized that the role of judicial review is to ensure there is no abuse of the municipality's legislative power. *Id*. "When the propriety of a zoning decision is debatable, it will be upheld. It is only when an action of a zoning commission is found on judicial review to be palpably unreasonable, arbitrary, an abuse of discretion, or an unreasonable exercise of police power that such action will be disturbed." *Alexander*, 25-0866, p. 17-18, 429 So. 3d at 267; *City of Baton Rouge/Par. of E. Baton Rouge v. Myers*, 13-2011, p. 6 (La. 5/7/14), 145 So. 3d 320, 327-28.

The intent of the UDC is to establish land use regulations for the City of Shreveport.[3] UDC Article 4.5(A)(3) states that the purpose of the I-1 Light Industrial Zoning District is to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses. Light industrial uses are enclosed, low-intensity, non-nuisance light fabrication and assembly-type manufacturing, as well as office and research and development facilities with little to no outside impacts. UDC Article 5.2 indicates that the use of a data center is permitted by right in the I-1 Light Industrial Zoning district.[4] UDC Article 6.1(L) states that all data centers shall only operate in allowable zoning districts, and any data center located within 200 feet of a residentially zoned district

[3] UDC Article 1.2 further states that the purpose of the UDC is to: (A) promote the public health, safety, and welfare; (B) promote the orderly development of the City of Shreveport in accordance with the Shreveport-Caddo 2030 Master Plan, hereby referenced as "Master Plan," and adopted land use policies; (C) divide the City of Shreveport into zoning districts, according to use of land and structures, bulk of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Code; (D) preserve and enhance the value of structures, communities, and neighborhoods that constitute the distinct places within the City of Shreveport; (E) promote economic development throughout the City of Shreveport that balances the needs of the current and future economy with a high quality of life standard; (F) provide for preservation, protection, and conservation of natural resources; (G) promote the principles of sustainability, as described and defined in the Shreveport-Caddo 2030 Master Plan; (H) maintain, develop, and plan for public facilities and utilities in an economical and environmentally sound manner; (I) provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements; (J) focus growth to support the principles of smart growth by preserving open space and natural areas, reducing traffic congestion, utilizing existing infrastructure and resources, and preserving quality of life; (K) plan, construct, and maintain an accessible, efficient, multi-modal, transportation system that meets the needs of the public and commerce, while minimizing risks to health, safety and the environment; (L) provide for efficiency and economy in the process of development; and (M) provide for the gradual elimination of nonconformities.

[4] A data center is defined in UDC Article 5.3 as a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a data center.

shall require a special use permit approved by the Metropolitan Planning Commission.

In compliance with UDC Article 16.3, the MPC shall take formal action on requests for special use permits. Article 16.3(E) explains that the listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use permit must be evaluated on an individual basis in relation to all applicable standards of this Code. In considering each special use permit application, the MPC or, on appeal, the City Council will review the overall compatibility of the proposed special use with surrounding property as well as such specific items, including but not limited to screening, parking, and landscaping, to make sure that the impact of the special use is minimal and that little or no adverse effects occur to nearby property.

The MPC or, on appeal, the City Council must consider the following development standards and design specifications. UDC Article 16.3(E). The approval of a special use permit is based on a balancing of these development standards and design specifications:

> 1. The design, location, and operating plans must be such that the public health, safety and/or welfare is protected.
> 2. The proposed special use is compatible with the general land use of adjacent properties and other property within 300 feet.
> 3. The special use conforms to the regulations of the zoning district where it will be located.
> 4. The location and dimensions of all public rights-of-way on or abutting the proposed special use.
> 5. Existing and proposed vehicular and pedestrian circulation systems, including streets, alleys, walkways, service areas and loading areas, the location and arrangement of off-street parking areas and all points of vehicular entrance and exit.
> 6. The outdoor surfacing and paving for all parking and loading areas.
> 7. The proposed perimeter treatment of the property, with indication of screening materials to be used, including fences, walls, and plants,

together with a description of uses, setbacks and the relationship to surrounding areas.
8. A landscape plan showing proposed treatment of the areas designated as either buffers or open space.
9. The location and dimensions of all existing and proposed easements and public improvements on the site.
10. The location and size of all structures, distances between buildings, and distances from structures to property lines.
11. The location and description of all signage, including facade signs on buildings.
12. The proposed use of all structures and their dimensions, i.e., height, floor areas, entrances, and loading areas.

In this matter, validating the imaginary harms versus the imaginary benefits of this proposed data center is not in our purview. Rather, the narrow issue before this Court is whether the Shreveport City Council properly issued a special use permit to the applicant. In each assignment of error, the plaintiffs maintain that the trial court failed to find that the City Council acted in an arbitrary and capricious manner when it approved Bohler's SUP application. To support this assertion, the plaintiffs first contend that the language of UDC Article 16.3(E)(1) is mandatory because it explains that "the design, location, and operating plans ***must*** be such that the public health, safety and/or welfare is protected." Because there is no document in the record setting forth the "operating plans" of the data center, the plaintiffs suggest that the special use permit application should have been denied. However, the City urges that Article 16.3(E) lists factors that the MPC and/or the City Council must ***balance*** rather than a single factor being determinative of an approval or a denial of an application. We agree with the plaintiffs in that mandatory language exists in Article 16.3(E) when it says that the MPC and the City Council ***must*** consider the following development standards and design specifications, but find that the language of the Code is clear that the approval of a special use permit is based on a

balancing of these standards and specifications. Furthermore, we agree that the record provided to the City Council addresses general operations of the proposed data center which allowed members of the City Council to make an informed decision when voting to either accept or reject the SUP application following the MPC's denial. The City Council's decision clearly was not based on any one factor but rather upon a balance of the standards and specifications set out in the UDC. This is evidenced by the extensive record before us and the comments made by members of the City Council at the hearing on the SUP application.

In addition to the Council members' comments at the hearing, the City Council heard from members of the community and individuals associated with the proposed data center project at this hearing.[5] The Council members made it clear that all the remarks were taken into consideration when accepting or rejecting the SUP application. Ultimately, viewing the record in its entirety, a decision based simply on a document or lack of a document labeled "Operating Plans" would be arbitrary given the information obtained throughout the application and hearing processes.

Another argument raised by the plaintiffs in support of their position is the fact that the City Council failed to impose necessary conditions on the project, and the plaintiffs claim that this failure is arbitrary and capricious. UDC Article 16.3(F) grants the City Council the authority to impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use permit as may be deemed necessary with the intent of minimizing the impact on nearby properties for

[5] The recording from the City Council meeting indicates that the hearing lasted "nearly four hours."

the protection of the public health, safety, and welfare. Several Council members admitted that conditions or guardrails should be put in place to ensure protection for the community members and neighboring properties. However, no one articulated what specific conditions or guardrails were needed. The plaintiffs also have not specified what conditions or guardrails they believe need to be in place before granting a SUP would be warranted for the proposed project.

As indicated by the MPC staff report, the proposed data center project adheres to the development standards and design specifications set out in the UDC with several of the standards and specifications exceeding the minimum requirements or obligations.[6] Many opponents of the SUP application expressed concerns about noise levels of the proposed data center and the proximity to residential property. As indicated by the MPC staff report, the noise generated by the proposed data center will not exceed the noise already in existence due to the site's proximity to the interstate and major highway. Likewise, the building area proposed for the data center is more than 500 feet from the nearest residential dwelling, whereas the Code requires the special use to be compatible with the general land use of adjacent properties within 300 feet. These factors, in addition to others found in the record, do not support the plaintiffs' assertions that the City Council acted unreasonably when approving the SUP application. The trial court clearly recognized that the City Council made this decision within the

[6] Factors 1, 2, 3, and 7 listed in Article 16.3(E) are described as exceeding the minimum requirements or specifications in the MPC staff report for Bohler's SUP application.

confines of its constitutional and statutory powers and acted on well-founded concerns for the public when approving the SUP application.

The plaintiffs also urge that the City Council failed to consider the environmental impacts of the proposed data center. More specifically, they argue that the potential negative impacts the proposed data center may cause to Cross Lake and Caddo Lake ecosystems were not considered. However, the UDC clearly outlines the considerations accounted for when evaluating an application for a SUP. Environmental factors as it relates to protected species as noted in the plaintiffs' brief are not included in the list of the development standards and design specifications in UDC Article 16.3(E). We agree with the City's assessment that the plaintiffs are stretching Article 16.3(E)(1) to include broad environmental concerns in the protection of public health, safety, and/or welfare. As we have addressed, the City Council understood the project's needs as it relates to water, sewage, and wastewater, and those concerns were heard and addressed by Shreveport Water and Sewerage at the hearing.

Given the record provided in this matter, nothing suggests that the City Council's decision was palpably unreasonable, arbitrary, an abuse of discretion, or an unreasonable exercise of police power warranting reversal by this Court. Instead, the City Council reviewed the application, the MPC staff report and recommendation, talked with members of the community and individuals involved with this project and similar projects, and made a decision they deemed appropriate. For these reasons, we find no merit in the plaintiffs' assignments of error as it relates to the City Council acting in an arbitrary and capricious manner in approving Bohler's SUP application.

Lastly, the plaintiffs assert that the City of Shreveport unlawfully withheld information from the public as a result of nondisclosure agreements signed by members of the City Council and the Mayor of Shreveport and that this information was used in the decision-making process. Although the plaintiffs made these arguments in brief at the trial court and before this Court, we note that they failed to make this argument during the hearing at the trial court.[7] Jack Bailey filed a public records request with the City of Shreveport on December 15, 2025, and the record indicates that the City complied with turning over the requested documents. The plaintiffs do not assert that the City failed to comply with this records request. Instead, the plaintiffs merely assert that the City "unlawfully withheld public information considered by the City from the record and the public during the decision-making process." The plaintiffs fail to assert with particularity what information they believe was withheld from the public. The record reflects that the Bohler Project Team properly notified community members of a neighborhood meeting to inform the community about the proposed data center, answer questions, and address concerns. Similarly, both the MPC and the City Council hearings were well attended by concerned citizens, and several Councilmembers indicated that they had met with many individuals and discussed the project with community members prior to meeting and deciding to approve the SUP application. Given these reasons, we see no reason why the existence of these NDAs would warrant a reversal of the City Council's decision to approve the SUP application.

[7] The plaintiffs' nondisclosure agreement argument was briefly mentioned by counsel for the City during the hearing at the trial court.

CONCLUSION

For the reasons set forth above, the judgment of the trial court sustaining the Shreveport City Council's approval of a special use permit is affirmed. Costs of this appeal are assessed to the plaintiffs, Tyler Gordon, Michael Craft, and Mary Blakemore.

AFFIRMED.