
ZONING & PLANNING - MISSOURI

BG Olive & Graeser, LLC v. City of Creve Coeur

Supreme Court of Missouri, en banc - December 20, 2022 - S.W.3d - 2022 WL 17823591

Landowners filed petition for judicial review of city's decision to deny conditional use permit to proposed purchaser for construction of convenience store and service station on subject property.

Following trial, the Circuit Court entered judgment for landowners and issued writ of mandamus requiring city to issue permit. City appealed.

On transfer from the Court of Appeals, the Supreme Court held that circuit court improperly overrode city's discretion.

Circuit court improperly overrode city's discretion when it entered judgment for landowners and issued writ of mandamus requiring city to issue permit, in proceeding on landowners' petition for judicial review of city's decision to deny conditional use permit to proposed purchaser for construction of convenience store and service station, despite circuit court's finding that there was evidence presented supporting finding that requirements under one subsection of city zoning code governing issuance of such permit had been met; there was no limitation that conditional use permit must issue as matter of law when evidence supported only single subsection of code, and code reserved full authority to city to deny any request for conditional use.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com