

VOLUME I

# **Public Petition to the Wright City Board of Aldermen**

**Petition to Rescind Conditional Site-Plan Approval and Require Adherence  
to §410.010(G)**

Proposed Asphalt Operation · 50 Roelker Road · Wright City, Missouri

Originally submitted July 20, 2026 · resubmitted July 30, 2026 · **third submission to the Board of Aldermen,  
August 17, 2026**

This petition remains open and pending. Current through August 17, 2026.

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## Petition to Rescind Conditional Site-Plan Approval and Require Adherence to §410.010(G)

Proposed Asphalt Operation · 50 Roelker Road · Wright City, Missouri

### Purpose

The petitioners respectfully request that the Wright City Board of Aldermen rescind its June 11, 2026 conditional site-plan approval and require the application to proceed in the sequence established by §410.010(G) of the Wright City Code.

This petition is intentionally narrow. It does not ask the Board to approve or deny the proposed asphalt operation. It asks the Board to correct the procedural sequence so that the legal parcel configuration is established before a completed site plan is reviewed and approved.

**Note on scope:** the petitioners' primary focus here is the procedural validity of the June 11, 2026 approval and the request that the Board rescind and revote only after the proper §410.010(G) sequence is completed. Whether the proposed operation is properly classified as a permitted-by-right M-1 use is a separate and ongoing concern of the petitioners, but that classification question is properly directed to the Planning and Zoning Commission and the Zoning Enforcement Officer in the first instance (see Volume II). Nothing in this petition concedes, waives, or resolves that separate question.

### Procedural Background

On June 11, 2026, the Board approved the site plan subject to conditions. Those conditions required submission of an updated site plan and a boundary-adjustment plat before development or building permits could be issued. The approval also stated that the proposed Lots 1 through 5 were conceptual and were not created by the site-plan approval.

The petitioners do not contend that the Board took no action. The Board approved the site plan subject to conditions. The concern is that the approval occurred before completion of the boundary-adjustment process necessary to establish the legal parcel configuration upon which a completed site plan should be based.

**Why does this matter?** Approving a site plan based on a parcel configuration (Lots 1 through 5) that had not yet been legally established means the plan was reviewed against boundaries, setbacks, lot lines, and right-of-way dedications that did not legally exist yet. That creates exactly the downstream conflicts the record shows — the 100-foot versus 90-foot right-of-way discrepancy, "six parcels" versus "one" versus "five lots" in Conditions 2 and 4, and Condition 4 itself acknowledging that the lots were conceptual only. Approving in that sequence risks an approval resting on a foundation that could later be challenged, and forces the applicant to potentially redo site-plan work once the real boundaries are set.

### **Requirement of §410.010(G)**

Section 410.010(G), as amended by Ordinance No. 1108, establishes the process for adjusting adjoining parcels under common ownership: submission of a boundary-adjustment plat; review and recommendation by the Planning and Zoning Commission; approval by the Board of Aldermen through ordinance; and recording of the approved plat before the adjusted parcel configuration becomes effective.

The June 11 approval conditions confirm that this process had not been completed when the site plan was approved. Requiring Planning and Zoning Commission review first also ensures the proposed use and parcel configuration are checked for zoning compliance by the body with that expertise (see Volume II), and that the Board's ultimate approval is guided by the proper reviewing authority.

## Update for the Board, August 17, 2026 — the approved site plan is stale, and what is missing from it

Since the June 11, 2026 vote, the plan for this site has changed and the Board has not revisited it. A **civil site plan revised in July 2026 to reference new entrance locations** now exists, and a **final consolidation plat** was produced to the petitioners on **August 6, 2026**. Neither was before the Board on June 11. The approval therefore rests on a superseded configuration, and the entrance design — the element bearing most directly on Roelker Road traffic and safety — is not the design the Board reviewed.

The following items are absent from the approved plan. The petitioners are raising each of them with the Planning & Zoning Commission today, and bring them to the Board because the Board's June 11 approval rests on the same document:

1. **Fuel storage.** In its February 24, 2025 DNR application for this address, the operator's **Form 1.1 process-flow diagram** identifies an **AC Tank** (equipment point 9A), **Fuel Oil Tanks** (equipment point 9B), an **Asphalt Oil Heater** (equipment point 5), **Diesel Generators** (equipment point 10), a **Dryer** (equipment point 4), and a **RAP Crusher** (equipment point 11). These numbers are equipment or emission-point identifiers, not quantities. The State then required the dryer and asphalt heater to burn only ultra-low sulfur diesel and to keep a record of every shipment of fuel received — so fuel will be delivered to and stored at this site. **No fuel tank, capacity, containment structure, fueling area, or dispensing point appears on the approved plan.**
2. **Diesel generators and the asphalt oil heater.** Neither appears on the plan, though both are on the operator's State equipment list.
3. **Structure heights.** The plan states **no height dimension for any structure and contains no elevation drawing**, although §405.100(A)(2)(a) limits non-dwelling structures to thirty-five feet, bars anything other than authorized utility towers and antennas from exceeding fifty feet in any district, and permits additional height only with one added foot of setback per foot of height. Setbacks cannot be verified without heights.
4. **Processing equipment.** The operator's own process flow diagram shows haul-in of recycled asphalt pavement, a **RAP crusher**, cold aggregate transfer, and a **fired dryer** before any mixing occurs. That processing is what determines how the use is classified, yet it does not appear on the plan.
5. **Surfacing.** The approved project set proposes **gravel** — its Site Legend lists a "Gravel Limit" and its sheets label a "Material Haul Road — Gravel" and a "Gravel Parking Lot." In January 2025 this City required a Board of Adjustment **variance and a noticed public hearing** for gravel surfaces at an asphalt batch plant on Star Connection Drive, under §405.110.C.1. The City has confirmed in writing that **no variance application exists for this project.**
6. **Truck cleanout and its runoff.** Truck beds at hot-mix plants are commonly cleaned with **diesel fuel**; the bed is soaked off site and then raised to be checked on arrival, releasing diesel and diluted asphalt onto the ground at the loading area. No cleaning,

collection, containment, or treatment area appears on the plan, and recycled asphalt pavement and shingle stockpiles bleed residue where they sit. The site drains toward an outfall with a stream beyond.

7. **No Fire Marshal review of fuel storage or dispensing** appears in the City's file.
8. **Current State authorization.** The March 12, 2025 authorization states on its first page that authority to operate at this site expires **April 1, 2026**, and a special condition bars operation at any one site for more than twelve consecutive months. The petitioners do not assert that anyone is operating unlawfully; they ask what the current authorization is, when it issued, and whether a copy is in the City's file.

**The City's own reviewer has also identified open items.** The Building Inspector's **July 15, 2026** review of the final plat states that it "appears to comply with many of the requirements... but there are a few items that are either missing, unclear, or cannot be verified from the plat alone," and raises whether the tract contains a regulated stream under Chapter 412, along with tax certification, an abstract of title, an unlabeled tract, and state-plane coordinates. Those items remain open.

The petitioners therefore ask the Board to treat its June 11 approval as resting on an **incomplete and now superseded plan**, and to rescind and revote only after a complete plan — showing the equipment above, with heights and surfacing — is before it.

## Questions Presented

If §410.010(G) required Planning and Zoning review, Board approval by ordinance, and recording of the boundary-adjustment plat before the adjusted parcel configuration became effective, what authority permitted the Board to approve a site plan depicting that adjusted parcel configuration before those steps had been completed?

If such authority exists, the petitioners respectfully request identification of the specific Code provision, ordinance, administrative determination, or other legal authority permitting those parcel-configuration requirements to be completed after site-plan approval.

## Basis for Corrective Action

The conditional approval did not establish the legal parcel configuration and did not itself create the proposed Lots 1 through 5. The Board's conditions instead required the applicant to complete the parcel-adjustment process and revise the site plan after approval. As a result, the administrative record reflects that:

- the site plan was approved before the legal parcel configuration was established;
- the approved plan remained subject to revision;
- the proposed lots remained conceptual;
- the parcel-adjustment plat had not yet completed Planning and Zoning review;
- no ordinance approving the adjusted parcel configuration had been adopted; and
- the adjusted parcel configuration had not been recorded.

Without completion of each step required by §410.010(G), no legal boundary adjustment exists. Until those steps are completed, the six existing parcels remain the only legally established parcel configuration.

As petitioners' counsel has observed: "If there is a boundary adjustment, there would need to be an ordinance, which approved the boundary adjustment, and that ordinance would have to be passed by the Board of Aldermen as outlined under §410.010(G)(3)." Counsel further noted that, based on this review, "it does not appear that the Board has been following the[se requirements], and there does not appear to be an official boundary adjustment approved in compliance with their ordinances."

This discrepancy is not merely theoretical. Verification of the Missouri DNR stormwater permit for this site shows that the permit was issued based on a **five-lot site plan** — the same conceptual Lots 1 through 5 that Condition 4 of the June 11 approval states were *not* legally created. The same appears true of the approved public water supply district (PWSD) water permit for this site, likewise issued based on the five-lot configuration (see Volume IV, Exhibits G, H, and I). The City is respectfully asked to reconcile how these state and utility-district permits could be issued against a five-lot configuration that, under the City's own approval conditions, does not yet legally exist.

Correcting the sequence would give the applicant, City officials, neighboring property owners, and the public a clear record of the legal parcel boundaries, the requirements applicable to those parcels, and the completed site plan considered by the Planning and Zoning Commission and Board of Aldermen. It also protects the landowner from unnecessary expense: if the applicable zoning review determines that the proposed use, parcel configuration, or site arrangement does not comply with applicable standards, the landowner should receive that determination early — before incurring substantial costs for final engineering, site-plan preparation, roadway design, and drainage plans.

## Requested Corrective Action

The petitioners respectfully request that the Board of Aldermen:

1. Rescind the June 11, 2026 conditional site-plan approval.
2. Require the applicant to complete the boundary-adjustment process in accordance with §410.010(G), including submission of the boundary-adjustment plat, Planning and Zoning Commission review and recommendation, Board approval by ordinance, and recording of the approved plat.
3. Require submission of a completed site plan after the adjusted parcel configuration has been legally approved and recorded.
4. Require the completed site plan to proceed through a fresh and substantive Planning and Zoning Commission review and recommendation. That review shall include identification of the precise listed use claimed to authorize the proposed operation; comparison of the operation with the M-1 and M-2 district provisions; application of §405.080(A)(2)(c), §405.100(A), and §405.100(A)(7); consideration of the desirability and compatibility of the proposed operation within the applicable district and at this location; review of all applicable supplemental regulations; and written findings and a recommendation forwarded to the Board of Aldermen.
5. Until the legal parcel configuration depicted by the site plan has been reviewed and recommended by the Planning and Zoning Commission, approved by the Board through ordinance, and recorded in accordance with §410.010(G), the Board should vote No on any revote of the site-plan approval.
6. Conduct a new Board vote only after the parcel-adjustment process has been completed and recorded, and after the Board has received the completed site plan, supporting administrative record, and Planning and Zoning Commission's written findings and recommendation concerning use classification, district fit, desirability, compatibility, and supplemental-regulation compliance.

## Conclusion

The petitioners do not request that the Board predetermine whether the proposed asphalt operation should ultimately be approved or denied. They request only that the June 11, 2026 conditional site-plan approval be rescinded and that the application proceed in the proper order: boundary-adjustment review, approval, and recording first; completed site-plan review and approval second.

This corrective action would ensure adherence to §410.010(G) and allow any future decision to be made upon the legally established parcel configuration and a complete, accurate, and clearly documented administrative record.

- **The City** is protected from an approval that could later be challenged as procedurally defective, and maintains a complete, internally consistent administrative record.
- **The landowner** receives an approval that rests on a legally established parcel configuration, saving the cost and delay of rewriting engineering and site plans against boundaries and right-of-way dedications that are not yet secure.
- **The community** receives a clear, accurate public record showing exactly what was approved, on what legal parcels, and under what conditions — before further development proceeds.

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Respectfully submitted,  
The Petitioners

## **Shared Materials Incorporated by Reference**

To avoid unnecessary duplication and the possibility of inconsistent versions, the following materials are submitted as separate shared volumes and are incorporated by reference into this petition:

### **Volume III — Shared Community Record** ([open volume](#))

- Verified petition signatures current through **August 17, 2026** — 139 verified responses, 133 listed in the record, 129 of whom authorized publication of their comments, with or without their names
- Community response statistics and charts
- Community issue matrix
- Authorized community comments

### **Volume IV — Administrative Record and Supporting Documents** ([open volume](#))

- Applicable City ordinances and Code provisions
- Board of Aldermen and Planning and Zoning Commission records
- Site-plan materials and approval conditions
- Sunshine Law requests and responses
- Recorder of Deeds correspondence
- Permits, plans, and other supporting records cited or discussed in the petitions

These shared volumes are submitted once for use with both the Board of Aldermen petition (Volume I) and the Planning and Zoning Commission petition (Volume II). They should be preserved, filed, and distributed with each applicable petition as part of the complete submission.