

VOLUME II

Zoning Public Petition to the Wright City Planning and Zoning Commission

**Petition for Review of the M-1 Use Classification, Compatibility, and Compliance
with Chapter 405 — In Connection with the Boundary-Adjustment Review Required
by §410.010(G)**

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

Originally submitted July 20, 2026 · resubmitted July 30, 2026 · **renewed for the August 17, 2026 Planning &
Zoning Commission meeting**

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

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PUBLIC PETITION

Petition to the Planning & Zoning Commission for Review of the M-1 Use Classification

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

Purpose

The petitioners respectfully request that the Planning & Zoning Commission, in connection with its pending review of the boundary-adjustment and parcel-consolidation application for this property under §410.010(G), also review and make a written recommendation on whether the proposed asphalt operation is properly classified as a use permitted by right in the M-1 district.

This petition is intentionally narrow. It does not ask the Commission to resolve the procedural sequencing of the June 11, 2026 Board approval — that request has been separately submitted to the Board of Aldermen (Volume I), which holds the authority to rescind and revote on that approval. This petition asks only that the Commission exercise its own authority over land-use classification while the consolidation matter is properly before it.

Why the Commission, and Why Now

The Commission is the City body with subject-matter responsibility for interpreting and applying the zoning use tables in Chapter 405, including the M-1 (§405.560) and M-2 (§405.570) district provisions. The consolidation process required by §410.010(G) brings this property back before the Commission for review and recommendation before any ordinance is presented to the Board. That review is the appropriate, and most timely, occasion for the Commission to also confirm the use classification underlying the site plan it will be asked to evaluate.

Addressing the use classification now — while the parcel configuration is still being finalized — avoids asking the Board to vote a second time on a site plan whose underlying use classification has not been confirmed by the body with expertise to confirm it.

Questions Presented

Is the proposed asphalt operation an expressly listed permitted use in the M-1 district under §405.560, or does it constitute processing of raw or semi-finished materials, an M-2 use, or an unlisted use requiring a different classification procedure under Chapter 405?

The petitioners respectfully request that the Commission identify the specific Code provision relied upon, the operating characteristics reviewed, the official or body that made any prior classification determination, and the date and record of that determination, if one exists.

Basis for the Request

The petitioners understand that the City has treated the proposed operation as a permitted-by-right M-1 use. A permitted-by-right designation does not eliminate the threshold requirement to determine that the specific proposed operation falls within a use expressly authorized by the Code, as opposed to an unlisted, conditional, or M-2 use. The petitioners are not aware of a published written determination establishing that classification, the official or body who made it, or the record documenting the operating characteristics reviewed.

Because the consolidation review already requires the Commission to reconsider this site's plans and supporting materials, addressing the use-classification question at the same time avoids a second, separate proceeding and gives the Board a complete record — including a confirmed use classification — when it revotes on the site plan.

Code Comparison and Required Review

We are not claiming a violation — we are asking the City to point to the words that authorized this.

Was the plat itself ever legal? — §410.010(G)

Combining the six parcels — and any right-of-way now part of the site — is itself a lot consolidation/boundary adjustment under §410.010(G), which sets its own review and recording requirements. Was a boundary-adjustment plat prepared, did P&Z make the required recommendation, and was the six-parcel tract legally consolidated before the June 11 site-plan vote — or was the Board voting on an incomplete, unconsolidated plan?

Who does this & when: the Planning & Zoning Commission makes its recommendation, and the plat must be recorded, before any site plan built on the consolidated lot goes to the Board for a vote. **Why it matters:** this is the step that legally forms one buildable lot — and it appears to have been skipped here.

The same rule applied before: at 41 Roelker Road, the City stated the original subdivision had not followed City rules, required the owners to return through P&Z, approved a final record plat by Ordinance No. 1104, and directed that it be recorded before the new development moved forward (see Volume IV, Exhibit J). Why could the asphalt site be treated as one development site on conceptual plans without a corresponding final plat, P&Z recommendation, Board ordinance, and recorded instrument — particularly after Ordinance No. 1108 made that sequence explicit?

The most current code: Wright City Bill No. 8-26, enacted as Ordinance No. 1108, amended §410.010 and became effective April 24, 2026 — before the Board's June 11 site-plan vote. It sets this process for consolidating adjoining parcels under single ownership: (1) submit a boundary-adjustment plat; (2) P&Z review & recommendation; (3) Board approval by ordinance; (4) record with the Warren County Recorder of Deeds. §410.020(A)(2) states "shall" is mandatory, not discretionary.

The Clerk confirms no responsive record exists for any of the four steps above (see Volume IV, Exhibit E). The Warren County Recorder of Deeds also advised (June 29, 2026) that it found no plat or survey recorded under G&M Concrete & Asphalt Co., Inc.'s name (see Volume IV, Exhibit F) — though a search under prior owners or a professional title search would be needed to rule out an earlier recorded instrument.

The record: this tract was twice refused a rezone — Bill 6-24

In February 2024 the Board denied rezoning these six parcels to "M-2" Heavy Industrial (Bill 6-24, 3-0); in October 2024 a mixed-use housing rezone was denied 4-2. The land stayed M-1 — then a heavy asphalt use was approved on it by right. If heavy industry needed M-2 here — which the City refused twice — what makes an asphalt plant a by-right M-1 use, when it isn't named in §405.560's M-1 list at all (§405.080(A)(2)(c): unlisted uses are prohibited)?

The review required before any of this — §405.100(A)(7)

Supplemental regulations "must be reviewed in every case" considering any land use; the Commission must "base its consideration" on the district's intent and "assess the desirability" of the use — before reaching M-1 vs. M-2. Where is that record, and may it be produced for this review?

The provision that decides everything — §405.080(A)(2)(c)

"Any use not listed is specifically prohibited." An asphalt plant is not named in the M-1 permitted-use list. So the threshold question isn't M-1 vs. M-2 — it's whether this is a listed use at all, and if not, what authorized it.

§405.560(A)(2)(a) — M-1: manufacturing from "semi-finished materials." No "processing," no "raw materials." **§405.570 — M-2:** "processing... of basic or raw materials." DNR's permit calls the feedstock raw aggregate (see Volume IV, Exhibit H). If it processes raw materials, it reads as M-2. If it fits no listed use, it's prohibited. Which provision authorized it — in writing?

Use & storage

- **§405.070(A)(1):** Which listed use authorized the plant?
- **§405.560(A)(5)(b):** Open storage capped at 40% — what's the calculation, on which lot?
- **Surfacing/drainage:** Will stockpiles be paved & drained, or what exception applies?
- **Temporary vs. permanent:** The DNR permit is portable & expired April 1, 2026 — yet the plat shows a permanent plant. Which is it?
- **§405.100(A)(7):** Was the required desirability weighing done, in writing?
- **Chapter 410 — subdivision:** No legal plats exist for the six combined parcels. Did required P&Z review happen?
- **Where's the record?** No minutes document the §405.100(A)(7) weighing (see Volume IV, Exhibit C). May it be produced, or completed now?
- **Prior variance, withdrawn:** a Board of Adjustment variance for a Star Connection Drive asphalt-batching plant was on the January 29, 2025 agenda but withdrawn that morning before the hearing. What's the relationship, and why was the variance route

abandoned for the by-right M-1 path used here?

Neighbors & nuisance

- **§405.540(A)(4):** a 5–6 ft opaque screen is required where industrial abuts residential. Is one in the plan?
- **§405.090 / §405.530:** were dust, odor, noise & vibration reviewed at the property line?
- **Lighting plan:** was the photometric plan submitted & carried into approval?
- **Peruque Creek:** how are runoff, waste & dust kept out of an already-impaired creek?
- **Road repair:** no signed agreement sets a repair trigger or cost split — and none distinguishes company trucks from third-party haulers. Who's responsible?
- **The verbal "100 trucks/day" commitment:** appears verbal, not written or enforceable — and may not count outside haulers. If exceeded, who verifies and who pays for road damage?

Traffic, process & notice

- **Traffic study:** ~100+ trucks/day — CBB recommended Star Connection Drive, but the approved plan uses a different turn lane; CBB flagged Roelker's bearing capacity as "not known." The final signed study still hasn't been produced.
- **Rail crossing:** were the railroad & MoDOT consulted so trucks don't queue on the tracks? MoDOT has confirmed (July 2, 2026 letter) that Roelker Road itself is owned and maintained solely by the City — MoDOT has no authority over the roadway, driveway placements, zoning, or the City's traffic study. MoDOT's jurisdiction is limited to the at-grade rail crossing itself (USDOT #483544F), currently equipped with active warning devices (flashing lights and gates); any change to the crossing configuration would require the City to initiate review with MoDOT's Railroad Section.
- **Horn masking:** could plant & truck noise drown out the train horn & crossing bells by the school? Because MoDOT's role is limited to the crossing devices, not roadway traffic or noise, this is a question for the City's own review, not one MoDOT can resolve.
- **§405.020 / §405.030:** were findings made on traffic, schools & protecting existing uses?
- **Ch. 610 RSMo:** were notice & a hearing owed to the owners of ~1,711 nearby parcels — about 1,340 of them homes — & future residents?

Screening, height & property-line standards — what the code requires

- **§405.540(A)(4) — screen.** A 5–6 ft opaque fence, wall, or hedge required wherever industrial abuts residential.
- **§405.540(A)(3) — height step-back.** Structures over 30 ft adjoining residential must set back 1 ft per 2 ft of height above 30 ft.
- **§405.540(A)(2) & §405.520.** Nothing over 6 ft within 30 ft of a right-of-way; industrial structures capped at 50 ft.
- **§405.090 — at the property line.** Dust, odor & vibration measured at or beyond the property line — independent of any state permit.
- **Seasonal screening adequacy:** the approved plan's landscaping/screening appears to rely on deciduous trees, which lose their leaves in fall and winter. The residential common ground bordering the plant site is used year-round. Was the required

screening evaluated for effectiveness during the months when deciduous trees are bare, and does it account for smell, sight, and noise reaching that common ground and residents' ability to use and enjoy it in every season?

Protecting property value & welfare

§89.040 RSMo: zoning shall be made "to conserve the value of buildings and encourage the most appropriate use of land." **§405.020 / §405.030:** the City's stated purpose includes protecting the value, type & character of existing land uses. Were those weighed for the homes & common ground next door?

We are asking, not accusing. Identify, in writing, the exact provisions that authorized this use, its storage, and its traffic; confirm the right process was followed; and reconsider the approval with the complete record in front of the Board. No code can list every use — which is why §405.080(A)(2)(c) is plain: what is not listed is prohibited.

Section numbers from the Wright City Zoning Code, Chapter 405. Compiled by residents of Alder Creek & Roelker Road.

Requested Commission Action

The petitioners respectfully request that the Planning & Zoning Commission:

1. Take up the use-classification question as part of its review of the boundary-adjustment and parcel-consolidation application for the property.
2. Identify the precise use listed in §405.560, if any, that the City determined encompasses the proposed asphalt operation.
3. Make that identification for the **entire development, not the mixing step or the product recipe on which the applicant relies**. Section 405.090 defines a use as "the specific purpose **or combined purposes** for which land or a building is designed, arranged, intended, occupied or maintained, with any combination of uses subject to the like combination of their individual requirements." The petitioners therefore ask that the Commission address, component by component: the **crushing of rock and recycled asphalt pavement**; the **drying and heating of raw sand and aggregate in a fired dryer**; the **asphalt oil heater and its heat source**; the **fuel oil tanks, their capacity, containment and dispensing**; the **diesel generators, including any standby or emergency generation**; the **open stockpiles of raw material**; the **silos, stack and other vertical structures with their heights**; and the **surfacing and drainage beneath each** — stating for each which listed M-1 use authorizes it, and why it is not the processing of raw materials addressed under M-2 in §405.570.
4. Compare the proposed operation's actual characteristics—including its materials, production processes, equipment, storage activities, traffic, emissions, noise, odor, dust, vibration, lighting, drainage, screening, and other operating characteristics—with the requirements and permitted uses of the M-1 district under §405.560 and the M-2 district under §405.570.
5. Conduct and document the review required by §405.100(A) and §405.100(A)(7), including consideration of: the purpose, intent, and requirements of Chapter 405; the intent and regulations of the applicable zoning district; the relationship of the

proposed use to surrounding properties and existing land uses; and the desirability and compatibility of the proposed operation within the applicable district and at this particular location.

6. Apply §405.080(A)(2)(c) if the proposed asphalt operation is not expressly included within a use listed as permitted in the M-1 district.
7. Identify any prior written classification or compatibility determination, including the official or body that made it, the date it was made, the operating characteristics reviewed, and the Code provision relied upon.
8. Make written findings identifying the evidence, site-plan materials, operating characteristics, and Code provisions supporting the Commission's use-classification, desirability, compatibility, and supplemental-review recommendation.
9. Forward those written findings and recommendations to the Board of Aldermen, together with the Commission's recommendation concerning the boundary-adjustment plat, so that any later Board vote rests on a complete administrative record.

Conclusion

The petitioners do not ask the Commission to predetermine whether the proposed asphalt operation should ultimately be approved or denied. They ask only that the Commission use its pending review of this property to confirm the use classification within its own authority, so that the Board's eventual revote rests on a complete record that includes both a legally established parcel configuration and a confirmed land-use classification.

Respectfully submitted,
The Petitioners

Community Code Research Relevant to the Commission's Chapter 405 Review

The following code sections, compiled by petitioners, bear directly on the Commission's classification and compliance review and are summarized in the Code Comparison section above: §405.560 (M-1 permitted uses), §405.570 (M-2 permitted uses), §405.080(A)(2)(c) (unlisted uses prohibited), §405.100(A)(7) (supplemental-regulation review and desirability weighing), §405.540(A)(2-4) (screening, setbacks, height step-back adjoining residential), §405.090 and §405.530 (dust, odor, noise, vibration at the property line), §405.020 and §405.030 (stated zoning purposes, protection of existing uses), §410.010(G) and §410.020(A)(2) (boundary-adjustment/consolidation procedure, mandatory "shall"), and §89.040 RSMo (conserving property value as a zoning purpose). Supporting exhibits for each are indexed in Volume IV.

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.