



Planning and Zoning  
 1975 Lakeside Parkway, Suite 350  
 Tucker, GA 30084  
 Phone: 678-597-9040  
 Website: www.tuckerga.gov

# Land Use Petition Application Checklist

REQUIRED ITEMS (DIGITAL)	CHECK <input type="checkbox"/>
Public Participation Report (See attached Public Participation Report & Meeting Minutes)	<input type="checkbox"/>
Application, Signature Pages, Disclosure Form for each applicant or owner	<input type="checkbox"/>
Survey and Written Legal Description (See preliminary ALTA Survey)	<input type="checkbox"/>
Proposed Site Plan (See Public Participation Neighborhood Presentation documents)	<input type="checkbox"/>
Building Elevations (See Public Participation Neighborhood Presentation documents)	<input type="checkbox"/>
Letter of Intent (See attached Letter of Intent)	<input type="checkbox"/>
Analysis of Standards/Criteria (See attached Analysis of Standards / Criteria)	<input type="checkbox"/>
Environmental Site Analysis Form (See attached Site Analysis Form)	<input type="checkbox"/>
Trip Generation Letter (ITE Trip Generation Manual) (See attached Trip Generation Letter)	<input type="checkbox"/>
THE FOLLOWING ITEMS MAY BE REQUIRED (DIGITAL)	CHECK <input type="checkbox"/>
Traffic Impact Study (See Sec. 46-1309)	<input type="checkbox"/>
Development of Regional Impact Review Form	<input type="checkbox"/>
Environmental Impact Report	<input type="checkbox"/>
Noise Study Report	<input type="checkbox"/>
PUD Documents (Sec. 46-1050)	<input type="checkbox"/>
Meeting with GDOT if near I-285 Eastside Express Lane Project	<input type="checkbox"/>
Other items required per the Zoning Ordinance	<input type="checkbox"/>
APPLICATION TYPE	FEE
Residential Rezoning	\$500
Multifamily/Non-Residential Rezoning	\$750
Special Land Use Permit	\$400
Comprehensive Plan Amendment	\$1000
Modification	\$250
Variance (includes Concurrent Variance)	\$300
Public Notice Sign Fee	\$85 (per required sign)

**Incomplete applications will not be accepted.**

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# Land Use Petition Application

**Application Type:**  Rezoning  Comprehensive Plan Amendment  Special Land Use Permit  
 Concurrent Variance  Modification

APPLICANT INFORMATION		
Applicant is the: <input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser		
Name: Warner Summers Inc.		
Address: 1550 Southland Circle NW, Suite 100		
City: Atlanta	State: GA	Zip: 30318
Contact Name: Dale Friedly		
Phone: 404-351-6075	Email: dfriedly@warnersummers.com	
OWNER INFORMATION		
Name: MTO Tucker Hugh Howell RD, LLC (under contract to purchase the property)		
Address: 3230 Camp Bowie Blvd, Suite 800		
City: Ft. Worth	State: TX	Zip: 76107
Contact Name: Harrison Parker		
Phone: 478-731-9869	Email: harrisonp@MTOH.com	
PROPERTY INFORMATION		
Property Address: 4453 Hugh Howell Rd, Tucker, GA 30084		
Present Zoning District(s): C1 Local Commercial	Requested Zoning District(s): C1 Local Commercial	
Present Land Use Category: Commercial / Retail	Requested Land Use Category: Commercial / Retail	
Land District: 18th District (DeKalb Co.)	Land Lot(s): 214	Acreage: 0.76 Acres
Proposed Development: converting an existing vacant Wendy's into a new Whataburger Quick Serve Restaurant		
Concurrent Variances: None		
RESIDENTIAL DEVELOPMENT		
No. of Lots/Dwelling Units: N/A	Dwelling Unit Size (SF): N/A	Density: N/A
NON-RESIDENTIAL DEVELOPMENT		
No. of Buildings/Lots: 1 Building / Lot	Total Building (SF): 2,233 SF	Density: 1 Building per 0.76 acres

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**APPLICANT'S CERTIFICATION**

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 24 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND CITY COUNCIL.

*Dale Friedly*

2-25-2026

Signature of Applicant

Date

Dale Friedly, Sr. Project Architect, Warner Summers Inc. on behalf of Made to Order Holdings

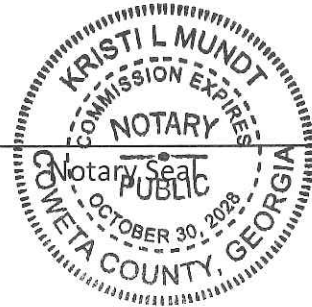
Type or Print Name and Title

*Kristi L Mundt*

2-25-20

Signature of Notary Public

Date



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**PROPERTY OWNER'S CERTIFICATION**

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner or that I am authorized to bind the legal owner if the legal owner is not a natural person, of the property identified below, which is the subject of the attached Land Use Petition before the City of Tucker, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning (RZ), Comprehensive Plan Amendment (CA), Special Land Use Permit (SLUP), Modification (M) & Concurrent Variance (CV) in request of the items indicated below. In doing so I acknowledge that they are acting on my behalf in all matters concerning this application.

I, Wendys Tucker FS, LLC, authorize, David Andes, as Manager of owner  
(Property Owner) (Applicant)

to file for SLUP, at 4453 Hugh Howell Rd, Tucker, GA 30084  
(RZ, CA, SLUP, M, CV) (Address)

on this date February 26, 2026.  
(Month) (Day)

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city council's final decision.
- I understand that if an application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before twenty-four (24) months have passed from the date of final decision by the mayor and city council on the previous special land use permit.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Tucker Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange additional permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.
- I understand that I will not receive additional notice regarding any hearings, meetings, staff recommendations, or other actions by the city regarding this application.
- I understand that the governing authority of the City of Tucker exercises legislative powers granted directly by the State Constitution and that they may utilize those powers in making decisions about this application in the interests of the public health, safety, and welfare.

David Andes, Manager 2/26/2026  
Signature of Property Owner Date

DAVID Andes, Manager  
Type or Print Name and Title

[Signature] 2/26/2026  
Signature of Notary Public Date

Notary Seal



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## ANALYSIS OF STANDARDS/CRITERIA

Please pull the relevant criteria from the code sections listed below and provide a detailed written analysis to each standard and factor as it relates to the proposed project/request.

**REZONINGS:** *Not applicable; Zoning for the subject property will remain unchanged.*

Sec. 46-1560. - Standards and factors governing review of proposed amendments to the official zoning map.

[https://library.municode.com/ga/tucker/codes/code\\_of\\_ordinances?nodid=PTIICOOR\\_CH46ZO\\_ARTVIIAD\\_D\\_IV3ZOCOPLAMPR\\_S46-1560STFAGOREPRAMOFZOMA](https://library.municode.com/ga/tucker/codes/code_of_ordinances?nodid=PTIICOOR_CH46ZO_ARTVIIAD_D_IV3ZOCOPLAMPR_S46-1560STFAGOREPRAMOFZOMA)

**COMPREHENSIVE PLAN MAP AMENDMENTS:** *No Comprehensive Plan Map amendments required.*

Sec. 46-1559. - Standards and factors governing review of proposed amendments to the comprehensive plan map.

[https://library.municode.com/ga/tucker/codes/code\\_of\\_ordinances?nodid=PTIICOOR\\_CH46ZO\\_ARTVIIAD\\_D\\_IV3ZOCOPLAMPR\\_S46-1559STFAGOREPRAMCOPLMA](https://library.municode.com/ga/tucker/codes/code_of_ordinances?nodid=PTIICOOR_CH46ZO_ARTVIIAD_D_IV3ZOCOPLAMPR_S46-1559STFAGOREPRAMCOPLMA)

**SPECIAL LAND USE PERMITS:** *See attached file for Analysis of Standards / Criteria.*

Sec. 46-1594. – Special land use permit; criteria to be considered.

[https://library.municode.com/ga/tucker/codes/code\\_of\\_ordinances?nodid=PTIICOOR\\_CH46ZO\\_ARTVIIAD\\_D\\_IV4SPLAUSPE\\_S46-1594SPLAUSPECRBECO](https://library.municode.com/ga/tucker/codes/code_of_ordinances?nodid=PTIICOOR_CH46ZO_ARTVIIAD_D_IV4SPLAUSPE_S46-1594SPLAUSPECRBECO)

Sec. 46-1595 Additional criteria for specified uses.

[https://library.municode.com/ga/tucker/codes/code\\_of\\_ordinances?nodid=PTIICOOR\\_CH46ZO\\_ARTVIIAD\\_D\\_IV4SPLAUSPE\\_S46-1595ADCRSPUS](https://library.municode.com/ga/tucker/codes/code_of_ordinances?nodid=PTIICOOR_CH46ZO_ARTVIIAD_D_IV4SPLAUSPE_S46-1595ADCRSPUS)

**CONCURRENT VARIANCES:** *No concurrent variances required.*

Sec. 46-1633. Applications for variances; criteria to be used by the zoning board of appeals in deciding applications for variances.

[https://library.municode.com/ga/tucker/codes/code\\_of\\_ordinances?nodid=PTIICOOR\\_CH46ZO\\_ARTVIIAD\\_D\\_IV5VAAPZOBOP\\_S46-1633APVACRBEUSZOBOPDEAPVA](https://library.municode.com/ga/tucker/codes/code_of_ordinances?nodid=PTIICOOR_CH46ZO_ARTVIIAD_D_IV5VAAPZOBOP_S46-1633APVACRBEUSZOBOPDEAPVA)

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**DISCLOSURE REPORT FORM**

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4);

**NO** (if NO, complete only point 4)

1. CIRCLE ONE: **Party to Petition** (If party to petition, complete sections 2, 3 and 4 below)

**In Opposition to Petition** (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:


1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information, and belief.

Name (print) Dale Friedly

Signature: 

Date: 2-25-2026

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**DISCLOSURE REPORT FORM**

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE:                    YES (if YES, complete points 1 through 4);                    **NO** (if NO, complete only point 4)

1.            CIRCLE ONE:                    **Party to Petition** (if party to petition, complete sections 2, 3 and 4 below)

**In Opposition to Petition** (if in opposition, proceed to sections 3 and 4 below)

2.            List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

3.            CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4.            The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information, and belief.

Name (print) Harrison Parker

Signature:  Date: 3/2/26

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## SITE PLAN CHECKLIST

All items must be included on the Site Plan; separate Site Plans may be necessary to address all items.

**See attached file for Site Plan Checklist.**

1. Key and/or legend and site location map with North arrow
2. Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning
3. Acreage of subject property
4. Location of land lot lines and identification of land lots
5. Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property
6. Proposed streets on the subject site
7. Posted speed limits on all adjoining roads
8. Current zoning of the subject site and adjoining property
9. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property
10. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvement or adjacent properties within 400 feet of the subject site based on the City's aerial photography or an acceptable substitute as approved by the Director
11. Location of proposed buildings (except single family residential lots) with total square footage
12. Layout and minimum lot size of proposed single family residential lots
13. Topography (surveyed or City) on subject site and adjacent property within 200 feet as required to assess runoff effects
14. Location of overhead and underground electrical and pipeline transmission/conveyance lines
15. Required and/or proposed setbacks
16. 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps
17. Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed
18. Required and proposed parking spaces; Loading and unloading facilities
19. Lakes, streams, and waters on the state and associated buffers
20. Proposed stormwater management facilities
21. Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access
22. Availability of water system and sanitary sewer system
23. Tree lines, woodlands, and open fields on subject site
24. Entrance site distance profile assuming the driver's eye at a height of 3.5 feet
25. Wetlands shown on the County's GIS maps or survey
26. Mail kiosk location

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## **PUBLIC PARTICIPATION PLAN AND REPORT**

See Public Participation Plan Meeting Requirements: <https://www.tuckerga.gov/public-participation-plan/>

***See attached file for Public Participation Plan Report***

### **PUBLIC NOTICE REQUIREMENTS**

Sec. 46-1526 details the public notice requirements for land use petitions, which include public notice sign(s), advertisement in The Champion newspaper, and written notice to property owners within 500 feet.

- The applicant is responsible for posting the public notice sign(s). City of Tucker Staff will order the signs(s) and provide the required timeframe for posting.
- The City of Tucker is responsible for placing the legal ad in The Champion newspaper
- The City of Tucker is responsible for mailing the written notification to surrounding property owners.

### **LAND USE PETITION CALENDAR**

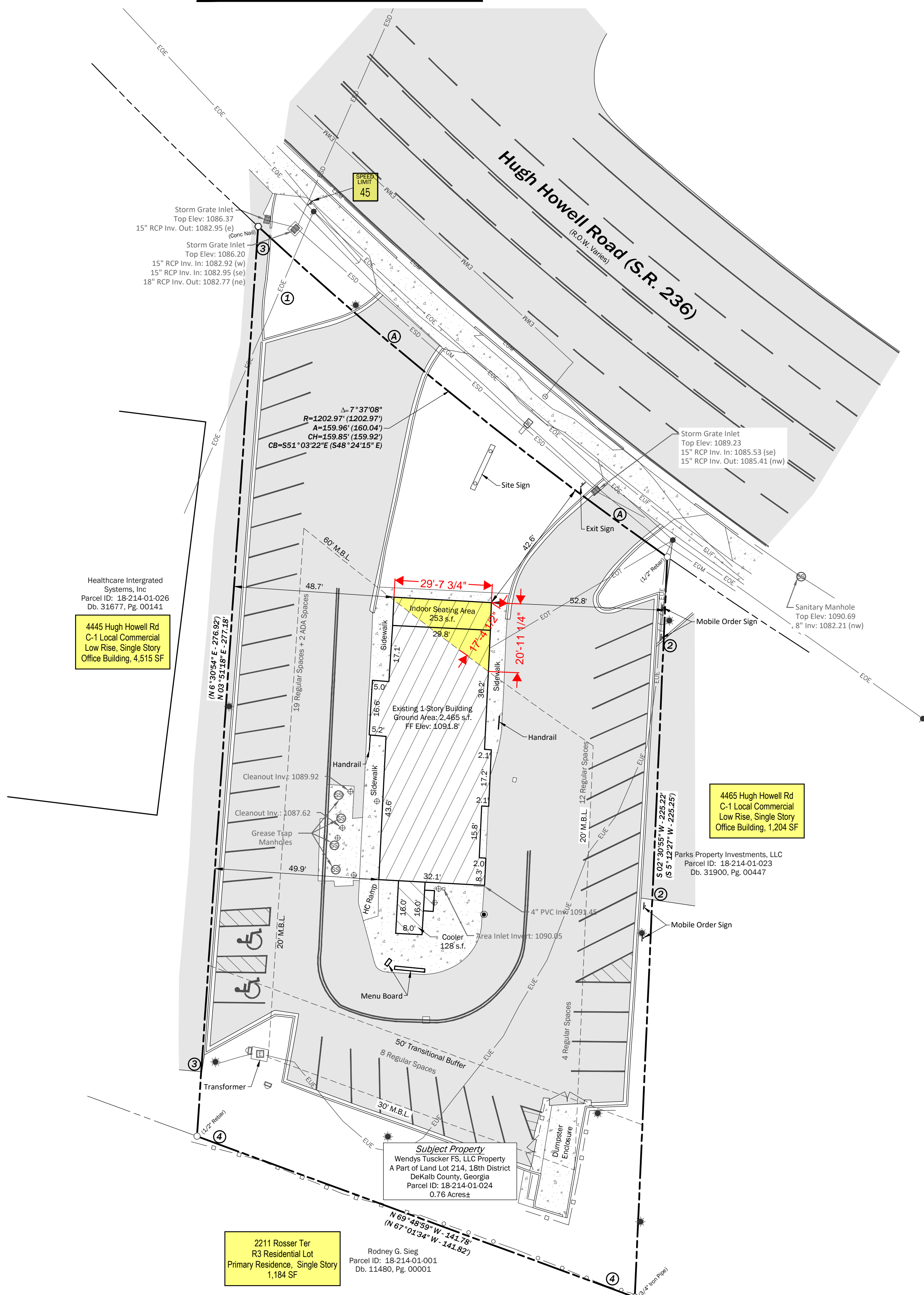
<b>Application Deadline</b>	<b>Planning Commission</b>	<b>M&amp;CC 1<sup>st</sup> Read</b>	<b>M&amp;CC 2<sup>nd</sup> Read</b>
12/1/2025	1/15/2026	2/9/2026	3/9/2026
1/2/2026	2/19/2026	3/9/2026	4/13/2026
2/2/2026	3/19/2026	4/13/2026	5/11/2026
3/2/2026	4/16/2026	5/11/2026	6/8/2026
4/1/2026	5/21/2026	6/8/2026	7/13/2026
5/1/2026	6/18/2026	7/13/2026	8/10/2026
7/1/2026	8/20/2026	9/14/2026	10/13/2026*
8/3/2026	9/17/2026	10/13/2026*	11/9/2026
9/1/2026	10/15/2026	11/9/2026	12/14/2026
10/1/2026*	11/19/2026	12/14/2026	TBD
11/2/2026	12/17/2026	TBD	TBD

\* Date shifted to accommodate holiday.

***Incomplete applications will not be accepted.***

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TECHNICAL NOTES table with columns for Equipment Used, Error of Closure, Horizontal Datum, Vertical Datum, Reference Station, and Combined Grid Factor.



- GENERAL NOTES: 1. All angles and distances for a curve are to their respective chords. 2. Not all underground utilities are shown hereon. 3. Source of Title: Db. 23970, Pg. 00715; 4. Total Area of Property: 33,057 SF ± / 0.76 Acres; 5. Current Zoning and Restrictions: C-1 (Local Commercial); 6. Parking: 45 total parking spaces (43 regular + 2 ADA) located on site.

- TABLE A OPTIONAL REQUIREMENTS: 1. Monuments placed... As Shown Hereon; 2. Address(es) of surveyed property... See Note #9; 3. Flood zone classification... See Note #7; 4. Gross land area... As Shown Hereon, See Note #4; 5. List the current zoning... See Note #5; 6. Exterior dimensions of all buildings... As Shown; 7. Substantial features observed... As Shown Hereon; 8. Number and type... of parking spaces... As shown hereon - See Note 6; 9. As designated by client, a determination of the relationship and location of certain division or party walls... None Designated by Client; 10. Evidence of underground utilities existing on or serving the... property... (b) markings coordinated by the surveyor... As Shown Hereon, See Note #2; 11. As specified by the client, Governmental Agency... requirements... None Requested by Client; 12. Names of adjoining owners according to current tax records... As Shown Hereon; 13. As specified by the client, distance to the nearest intersecting street... None Requested by client; 14. Rectified orthophotography, photogrammetric mapping... Not requested for this survey; 15. Evidence of recent earth moving work... None Observed; 16. Proposed changes in street right of way lines... Evidence of recent street or sidewalk construction... None R.O.W. changes are shown hereon; 17. Include as part of the survey any plottable offsite easements... Provided offsite Easement Information Plotted if possible; 18. Professional liability insurance policy obtained by surveyor... Certificate available upon request.

- POTENTIAL ENCROACHMENTS: 1. Potential encroachment of overhead electric & telephone lines in the northwest portion of the property as shown. 2. Potential encroachment of paving along the eastern boundary of the property as shown. 3. Potential encroachment of paving along the western boundary of the property as shown. 4. Potential encroachment of fences along the southern boundary of the property as shown.

ACCESS AREAS: 1. Paved Turnout onto Hugh Howell Road (S.R. 236), a dedicated public street.

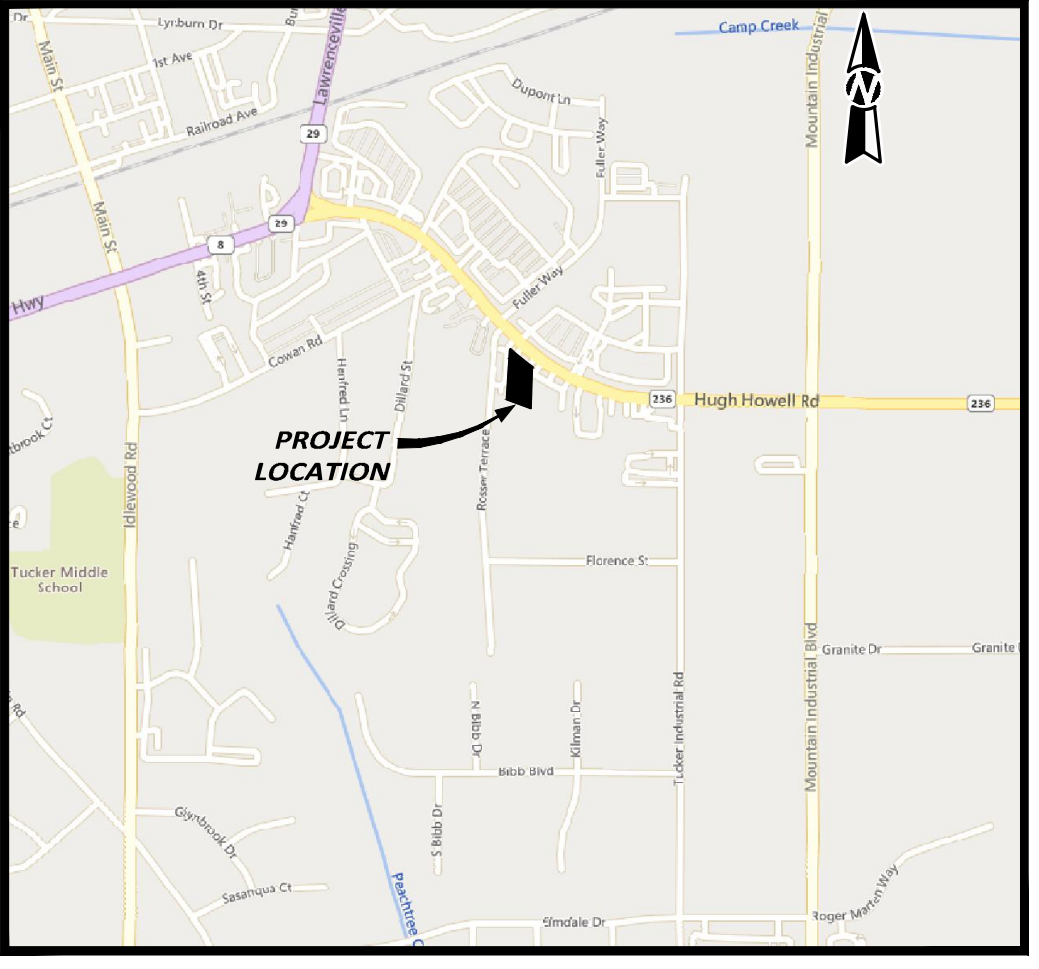
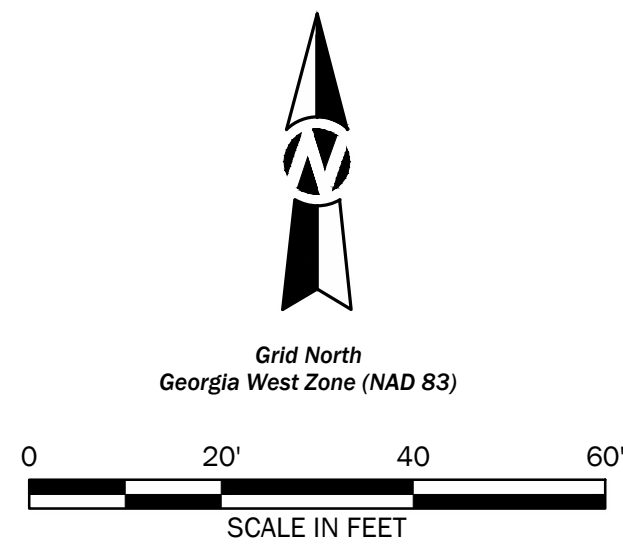
- First American Title Insurance Company Commitment Number: 77-4567/24875-40 October 21, 2025 SCHEDULE B - SECTION II EXCEPTIONS: 1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B Part I Requirements are met; 2. Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; 3. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land; 4. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records; 5. Any encroachments, encumbrances, violations, variations, or adverse circumstances affecting the Title that were disclosed by an accurate and complete land survey of the Land and not shown by the Public Records; 6. Any minerals or mineral rights leased, granted or retained by current or prior owners; 7. Taxes and assessments for the year 2025 and subsequent years, not due and payable; 8. Any covenants, restrictions, easements, reservations, or other matters included in the instrument of conveyance of the Land to the insured; 9. Rights of tenants in possession as tenants only under unrecorded leases; 10. Matters as shown on those certain plats recorded in Plat Book 10, Page 115 and Plat Book 15, Page 146, DeKalb County, Georgia records; 11. Memorandum of Lease by and between APG Hugh Howell, LLC and SD2, LLC dated October 8, 2008 and recorded in Deed Book 21096, Page 135, DeKalb County, Georgia records; 12. Easement to Georgia Power Company dated May 30, 1935 and recorded in Deed Book 414, Page 418, DeKalb County, Georgia records; 13. Easement to Georgia Power Company dated August 5, 1950 and recorded in Deed Book 830, Page 420, DeKalb County, Georgia records; 14. Easement to Georgia Power Company dated October 25, 1955 and recorded in Deed Book 1154, Page 26, DeKalb County, Georgia records; 15. Easement to Georgia Power Company dated December 14, 1955 and recorded in Deed Book 1171, Page 17, DeKalb County, Georgia records; 16. Joint Venture Agreement by and between Robert C. Dell and A.H. Jennings, Jr. dated March 21, 1972 and recorded in Deed Book 2933, Page 189, DeKalb County, Georgia records; 17. Memorandum of Lease by and between Sovereign WE, LLC as landlord and BBS Service Company, Inc., DSEB III, LLC, and Wen-Triplicheese, LLC, collectively as tenant, dated November 14, 2005 and recorded in Deed Book 18139, Page 384, DeKalb County, Georgia records; 18. Memorandum of Assignment of Lease by and between Sovereign WE, LLC as assignor and APG Hugh Howell, LLC as assignee dated October 30, 2007 and recorded in Deed Book 20440, Page 773, DeKalb County, Georgia records.

LAND DESCRIPTION PER TITLE POLICY: All that tract or parcel of land lying and being in Land Lot 214 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows: To find the TRUE POINT OF BEGINNING, commence at a concrete monument found at the intersection of the Southwesterly right-of-way line of Hugh Howell Road (same having a 100 foot right-of-way) and the Southeasterly right-of-way line of Rosser Terrace (same having a variable right-of-way); thence running along the Southwesterly right-of-way line of Hugh Howell Road and along the arc of a curve having a radius of 1202.97 feet, an arc distance of 72.49 feet said arc being subtended by a chord bearing South 42 degrees 52 minutes 00 seconds East and a length of 72.47 feet to an iron pin set, said pin being the TRUE POINT OF BEGINNING; thence continuing along the Southwesterly right-of-way line of Hugh Howell Road and along the arc of a curve, having a radius of 1202.97 feet, an arc distance of 160.04 feet said arc being subtended by a chord bearing South 48 degrees 24 minutes 15 seconds East to a distance of 159.92 feet to an iron pin set; thence running along the Westerly property line of property now or formerly owned by Ronald C Lunsford South 05 degrees 12 minutes 27 seconds West a distance of 226.25 feet to a one-half inch pipe iron pin found; thence running along the Northeasterly property line of property now or formerly owned by William H Page, North 67 degrees 01 minutes 34 seconds West a distance of 141.82 feet to a one-quarter inch rebar iron pin found; thence running along the Easterly property line of property now or formerly owned by Deiores Werner, North 06 degrees 30 minutes 54 seconds East a distance of 276.92 feet to an iron pin set, said point being the TRUE POINT OF BEGINNING.

To Made to Order Holdings, LLC, and First American Title Insurance Company: This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys; jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 8, 9, 10, 11(b), 12, 13, 14, 15, 16, 17, 18 and 19 of Table A thereof. The field work was completed on September 24, 2025.

PRELIMINARY Eric M. Hammer, GA PLS #3410 Date: [Blank]

Surveyor's Acknowledgement: This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDED INFORMATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



SURVEY LEGEND table listing symbols for various features: EXISTING BOUNDARY LINE, EXISTING RIGHT-OF-WAY, EXISTING PROPERTY LINE, EXISTING SUBDIVISION LOT LINE, EXISTING CHAIN LINK FENCE, EXISTING IRON FENCE, EXISTING WIRE FENCE, EXISTING WOOD FENCE, EXISTING CONTOUR 5' INTERVAL, EXISTING CONTOUR 1' INTERVAL, EXISTING SURFACE ELEVATION, EXISTING SANITARY SEWER MAIN, EXISTING SANITARY SEWER FORCE MAIN, EXISTING STORM DRAIN, EXISTING WATER MAIN, EXISTING GAS MAIN, EXISTING OVERHEAD ELECTRICAL, EXISTING UNDERGROUND ELECTRICAL, EXISTING OVERHEAD CABLE TELEVISION, EXISTING UNDERGROUND CABLE TELEVISION, EXISTING OVERHEAD TELEPHONE, EXISTING UNDERGROUND TELEPHONE, EXISTING TRAFFIC SIGNAL LINE, EXISTING UNDERGROUND FIBER OPTIC, EXISTING SANITARY SEWER MANHOLE, EXISTING SANITARY SEWER CLEANOUT, EXISTING STORM MANHOLE, EXISTING STORM DOUBLE WING INLET, EXISTING STORM SINGLE WING INLET, EXISTING STORM YARD INLET, EXISTING STORM GUY ANCHOR, EXISTING STORM JUNCTION BOX, EXISTING WATER VALVE, EXISTING IRRIGATION CONTROL VALVE, EXISTING WATER METER, EXISTING FIRE HYDRANT, EXISTING WATER SPIGOT, EXISTING GAS VALVE, EXISTING GAS METER, EXISTING ELECTRIC MANHOLE, EXISTING POWER POLE, EXISTING GUY ANCHOR, EXISTING LIGHT POLE, EXISTING GROUND/LANDSCAPE LIGHT, EXISTING ELECTRIC POWER METER, EXISTING ELECTRICAL BOX, EXISTING A/C PAD, EXISTING TELEPHONE MANHOLE, EXISTING TRAFFIC POLE, EXISTING TELEPHONE PEDESTAL, EXISTING CABLE TELEVISION PEDESTAL, EXISTING AT&T MANHOLE, EXISTING BOLLARD, EXISTING MAILBOX, EXISTING SIGN, IRON PIPE / PIN FOUND, CAPPED REBAR FOUND, CONCRETE MONUMENT SET, CONCRETE MONUMENT FOUND, AXLE FOUND, PINE KNOT FOUND, CAPPED REBAR SET, SECTION, TOWNSHIP, RANGE, R.O.W., M.B.L., P.B., D.B., P.S., EXISTING ASPHALT PAVEMENT, EXISTING BRICK PAVERS, EXISTING BUILDING, EXISTING GRAVEL DRIVE, EXISTING RIPRAP LINING.



3200 Rice Mine Road NE | Tuscaloosa, AL 35406  
205-345-0816 | www.ttlusa.com

Former Wendys Restaurant  
Sevan Mult-Site Solutions  
4453 Hugh Howell Road  
Land Lot 214, 18th District, DeKalb County, Georgia

PRELIMINARY (NOT FOR CONSTRUCTION, RECORDING PURPOSES OR IMPLEMENTATION)

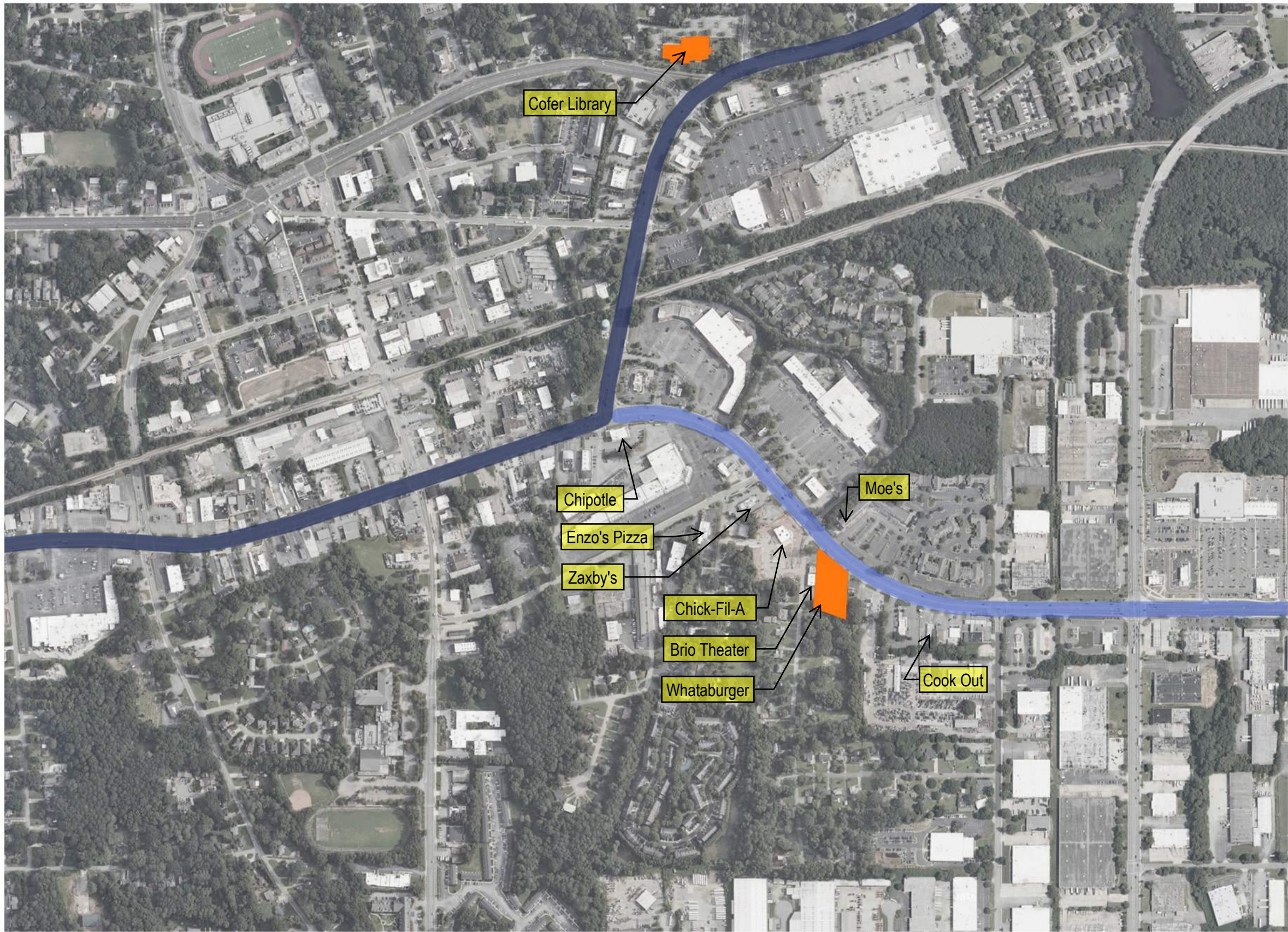
Table with columns: No., Date, Revision Description, Checked By: SGF / ENH, Date Drawn: 10/30/2025, Date Surveyed: 9/24/2025, Scale: 1"=20', Proj. No.: 25-01-2851, File Name: 25-2851\_TopoSurvey.dwg

# Whataburger Tucker

4453 Hugh Howell Road,  
Tucker, Georgia 30084

02 March 2026



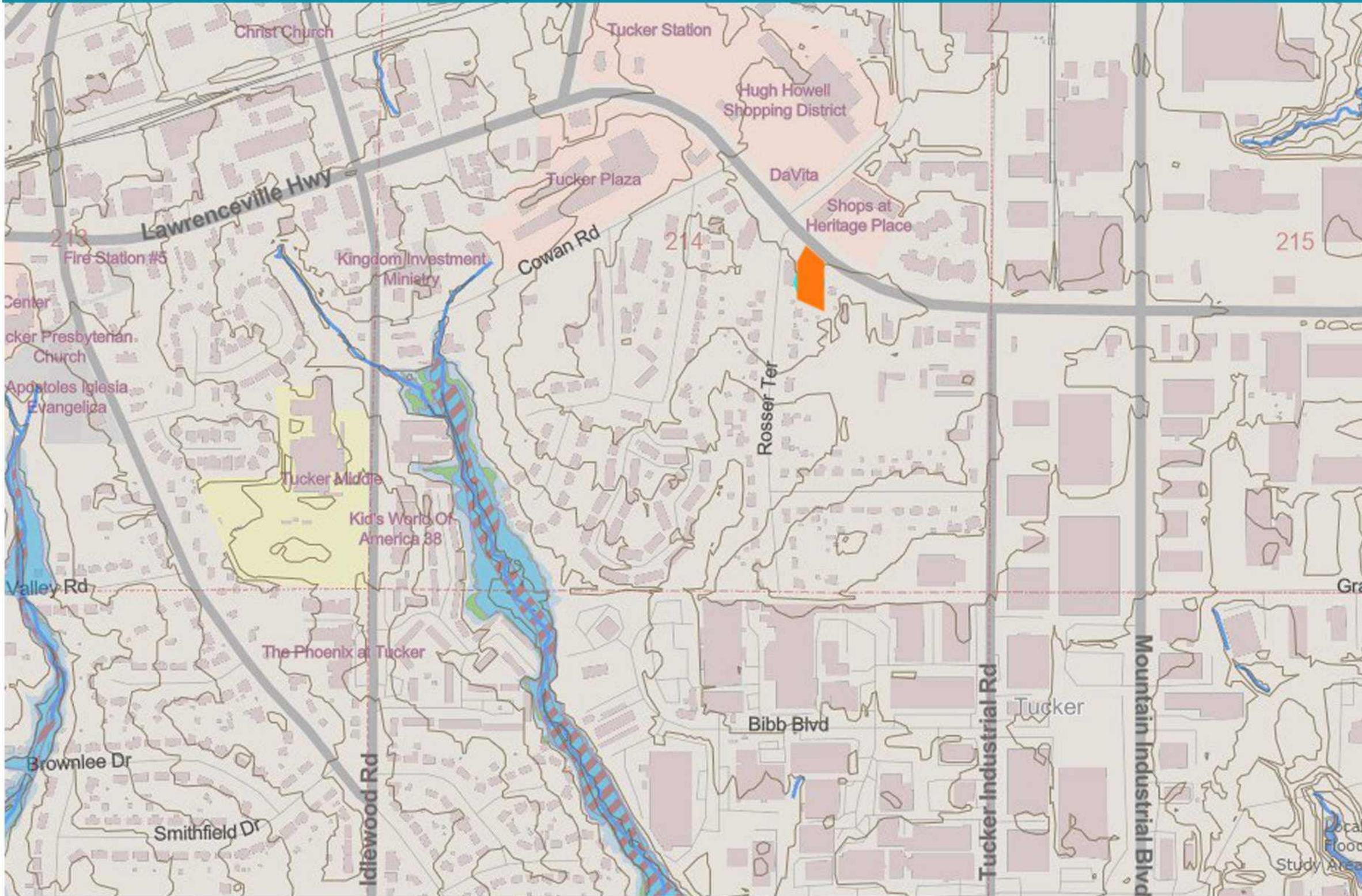


### VICINITY PLAN

4453 Hugh Howell Road,  
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**Map Layers**

- >  Zoning Districts ...
- >  Landuse ...
- ✓  Flood ...
- Basins ...
- FIRM\_Panel ...
- >  Overtopped Structures ...
- Repetitive Loss Areas ...
- ✓  State Waters ...
- >  Supporting Data ...
- ✓  L100\_Local Studies of 100 Acres Plus ...
- >  FEMA Mapped Effective Flood Hazard Areas ...
- >  Ordinance Mapping Layers ...
- >  Freeboard Areas ...

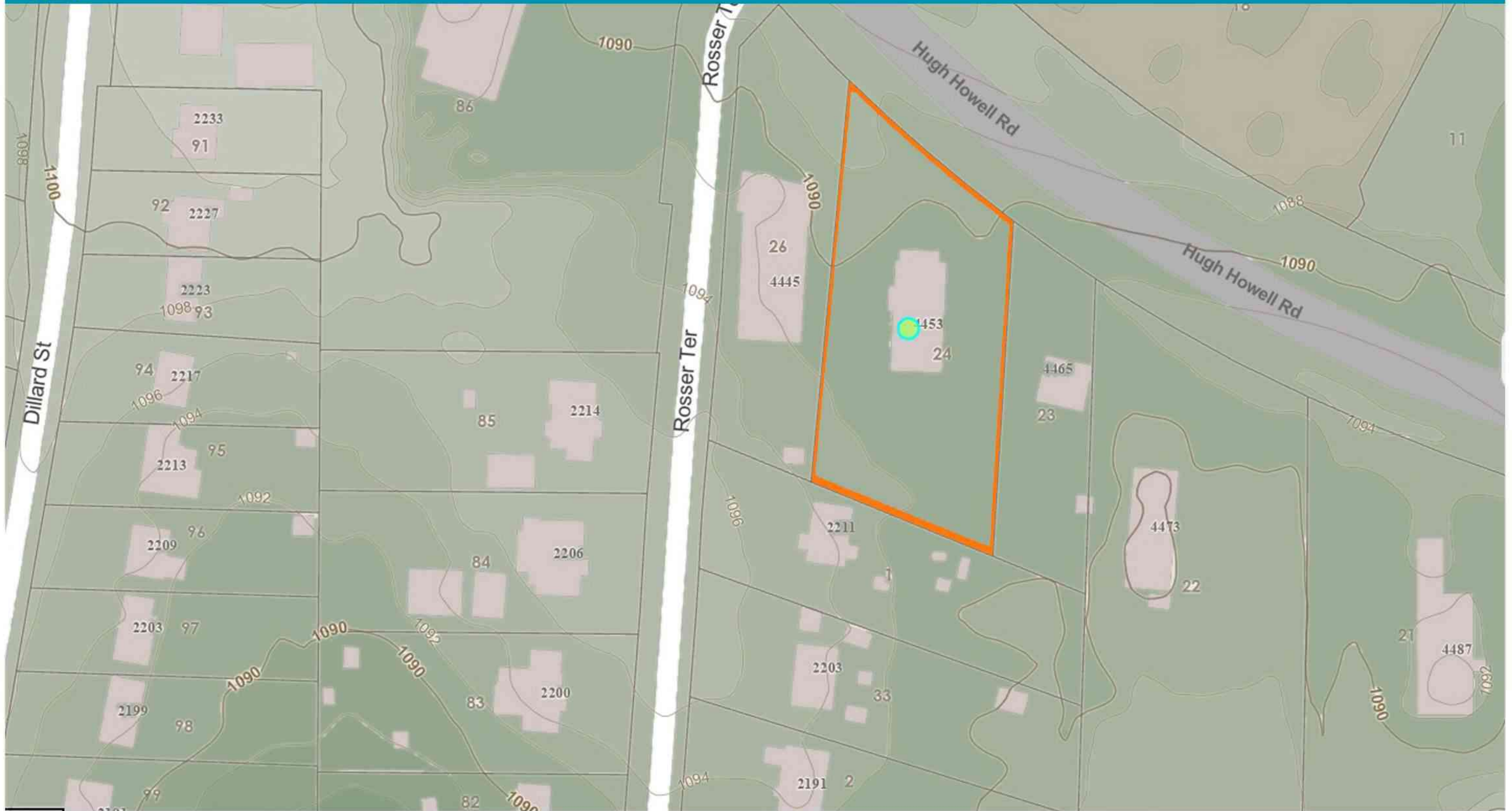
  
 NORTH

**FLOOD PLAINS**

4453 Hugh Howell Road,  
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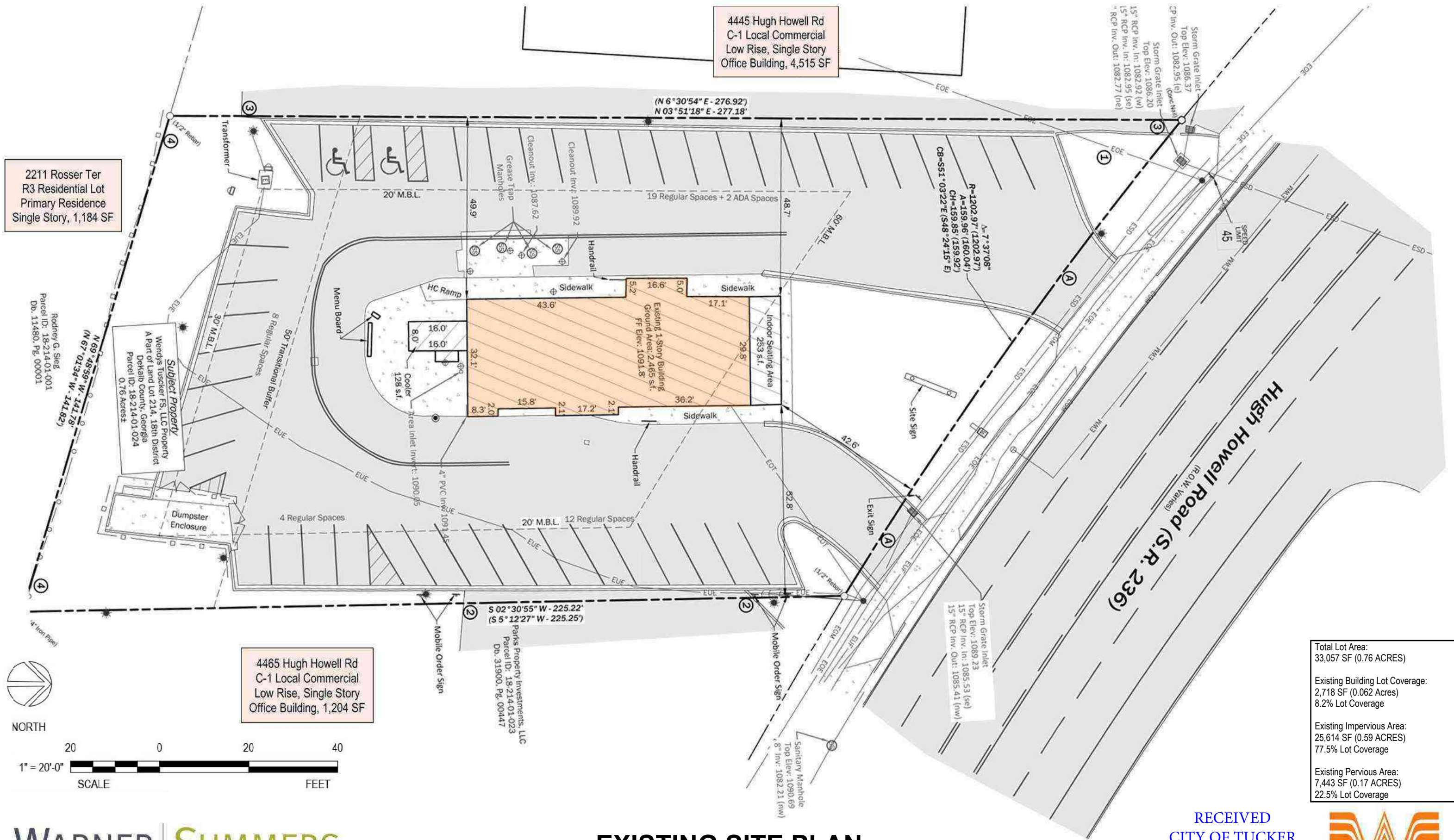


## TOPOGRAPHY

4453 Hugh Howell Road,  
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2211 Rosser Ter  
R3 Residential Lot  
Primary Residence  
Single Story, 1,184 SF

Rodney G. Sieg  
Parcel ID: 18-214-01-001  
Db. 11480, Pg. 00001

Subject Property  
Wendys Tuscater FS, LLC Property  
A Part of Land Lot 214, 18th District  
DeKalb County, Georgia  
Parcel ID: 18-214-01-024  
0.76 Acres

4465 Hugh Howell Rd  
C-1 Local Commercial  
Low Rise, Single Story  
Office Building, 1,204 SF

4445 Hugh Howell Rd  
C-1 Local Commercial  
Low Rise, Single Story  
Office Building, 4,515 SF

Total Lot Area:  
33,057 SF (0.76 ACRES)

Existing Building Lot Coverage:  
2,718 SF (0.062 Acres)  
8.2% Lot Coverage

Existing Impervious Area:  
25,614 SF (0.59 ACRES)  
77.5% Lot Coverage

Existing Pervious Area:  
7,443 SF (0.17 ACRES)  
22.5% Lot Coverage

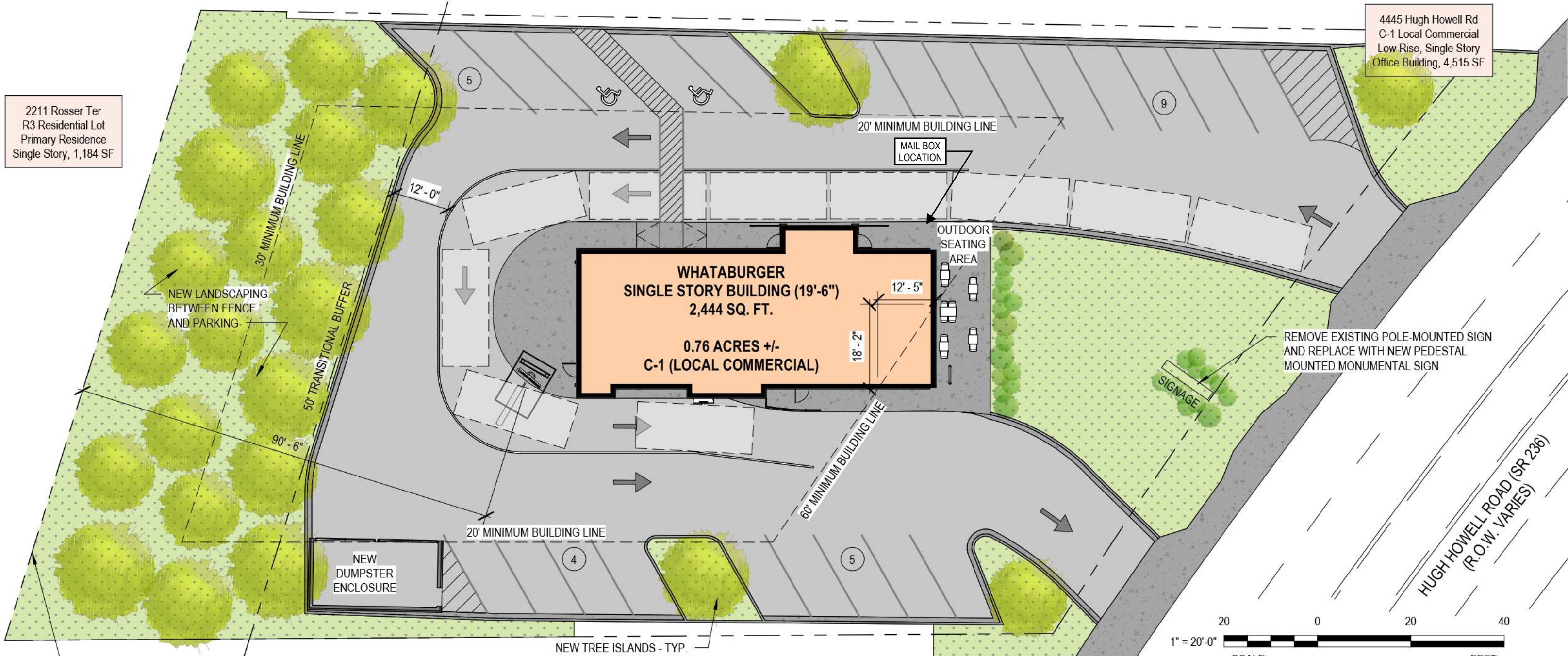


# EXISTING SITE PLAN

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2211 Rosser Ter  
R3 Residential Lot  
Primary Residence  
Single Story, 1,184 SF

4445 Hugh Howell Rd  
C-1 Local Commercial  
Low Rise, Single Story  
Office Building, 4,515 SF

4465 Hugh Howell Rd  
C-1 Local Commercial  
Low Rise, Single Story  
Office Building, 1,204 SF

**DRIVE-THRU SPECIAL LAND USE PERMIT NOTES:**

1. PROPERTY ZONING: C-1 (LOCAL COMMERCIAL), UNCHANGED  
USE: QUICK SERVE RESTAURANT WITH DRIVE-THRU, UNCHANGED
2. PROPERTY AREA: 33,057 SF (10,000 SF MINIMUM REQUIRED)
3. DISTANCE FROM ADJACENT RESIDENTIAL ZONED PROPERTY: 90' - 6" FEET (65 FEET MINIMUM REQUIRED)
4. NORTHEAST CORNER OF THE EXISTING BUILDING EXTENDS PAST THE CURRENT 60-FOOT BUILDING SETBACK LINE. THE BUILDING WAS CONSTRUCTED PRIOR TO THE ESTABLISHMENT OF THE CURRENT MINIMUM SETBACKS.
5. A 50-FOOT TRANSITIONAL BUFFER WITH CODE COMPLIANT LANDSCAPING WILL BE ESTABLISHED AT THE REAR OF THE PROPERTY TO PROVIDE A BUFFER TO THE ADJACENT RESIDENTIAL ZONED PROPERTY.
6. THERE WILL BE MINIMAL CHANGES TO THE SIZE AND SCALE OF THE BUILDING. THE HEIGHT WILL BE INCREASED BY 18 INCHES TO BETTER SCREEN ROOF TOP EQUIPMENT. THE NEW ENTRY ELEMENT WILL PROJECT 3 FEET ABOVE THE NEW SCREENING ELEMENTS.
7. IF PEAK HOURS OF OPERATION REQUIRE TRAFFIC MANAGEMENT, MADE TO ORDER HOLDINGS WILL EMPLOY LOCAL OFF-DUTY POLICE OFFICERS TO DIRECT TRAFFIC.
8. HOURS OF OPERATION WILL BE 24 HOURS / 364 DAYS PER YEAR / CLOSED ON CHRISTMAS.
9. THE SPECIAL LAND USE PERMIT WILL REMAIN IN PLACE FOR AS LONG AS MTOH OPERATES A WHATABURGER AT THIS LOCATION.
10. DRIVE-THRU LANES & SERVICE WINDOW LOCATED ON THE SIDE OF THE BUILDING TOWARD THE REAR (NOT STREET FACING).
11. DRIVE-THRU CANOPIES & STRUCTURES SHALL BE CONSTRUCTED OF SAME MATERIALS AS PRIMARY BUILDING.
12. SPEAKER BOX IS POINTED TOWARD THE ADJACENT C-1 ZONED PROPERTY (AWAY FROM ADJACENT RESIDENTIAL ZONED PROPERTY).
13. STRIPED OFF DRIVE-THRU INCLUDES STACKING SPACE FOR 10 CARS (EACH SPACE 10' X 25') AND IS LOCATED MORE THAN 5 FEET FROM ALL LOT LINES AND ROADWAY RIGHT-OF WAY LINES.
14. PROVIDED BY-PASS LANE IS 12 FEET WIDE (10-FOOT MINIMUM WIDTH REQUIRED).
15. PARKING REQUIREMENTS: MINIMUM, 16; MAXIMUM, 31; PARKING PROVIDED: 23 (21 REGULAR + 2 ADA).



Total Lot Area:	33,057 SF (0.76 Acres)
Propose Building Lot Coverage:	2,444 SF (0.056 Acres) 7.4% Lot Coverage (Reduction: 0.8%)
Proposed Impervious Area:	22,510 SF (0.52 Acres) 68.1% Lot Coverage (Reduction: 9.4%)
Proposed Pervious Area:	10,546 SF (0.24 Acres) 31.9% Lot Coverage (Increase: 9.4%)





**PROPOSED RENOVATION**  
Front-Right Side View

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**WARNER** **SUMMERS**  
ARCHITECTURE & INTERIOR DESIGN

**PROPOSED RENOVATION**  
Right Side Elevation

4453 Hugh Howell Road,  
Tucker, Georgia 30084

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**PROPOSED RENOVATION**  
Rear/Drive Through View

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**PROPOSED RENOVATION**  
Left Side Elevation

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**EXISTING CONDITION**  
Front-Left Side View

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**PROPOSED RENOVATION**  
Front-Left Side View

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Tucker, Georgia 30084

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DEPARTMENT  
SLUP-26-0003



**Letter of Intent**

**Special Land Use Permit**

**Drive-Thru Facility for Whataburger at 4453 Hugh Howell Rd, Tucker, GA 30084**

February 27, 2026

Julie Martin  
Planning Manager  
City of Tucker Planning & Zoning  
1975 Lakeside Parkway, Suite 350A  
Tucker, GA 30084

RE: MTOH Whataburger - Tucker  
Project Number 25045

Dear Ms. Martin,

This Application is for a Special Land Use Permit (SLUP) for the subject property located at 4453 Hugh Howell Rd, Tucker, GA 30084 ("Property"). The Property is identified by Parcel ID 18 214 01 024 and is a 0.76 acre tract zoned C-1 Local Commercial. The building is located on a major local artery and not within a subdivision.

Made To Order Holdings (MTOH), the local Whataburger franchisee, is under contract to purchase the Property. The project includes both exterior and interior renovation of the existing vacant building (last occupied by Wendy's), site improvements (via paving reduction, landscaping, outdoor seating, and tree islands), and reconfiguration of a single lane drive-thru.

The SLUP application is requesting approval for a Drive-Thru facility for a Whataburger Quick Serve Restaurant (QSR) to be operated by MTOH.

**Summary**

In summary, the SLUP Application is to allow MTOH to operate a Drive-Thru facility as part of a new Whataburger QSR renovation of the existing vacant Wendy's building located on the Property. The zoning and use of the property will remain unchanged from the previous use of the Property. Recognizing that the existing site and building were developed and built prior to the current City of Tucker Code, the intent is to bring the Property into compliance with current Code as much as possible.

MTOH operates multiple Whataburger locations in Georgia. At each of their locations, MTOH strives to be an active part of the communities they serve. MTOH is excited to be part of the Tucker community, as well.

For more specific details, please see the Analysis of Standards and Criteria related to this SLUP Application. Please direct any questions to Warner Summers Inc. on behalf of Made To Order Holdings.

Sincerely,  
Warner Summers Inc.

  
Dale Friedly, Sr. Project Architect

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DEPARTMENT  
SLUP-26-0003

**From:** Dale Friedly  
**To:** Julie Martin; Courtney Smith; Matthew Couper  
**Cc:** Josh Hendon; Carine Davis; Grace Zhang; Harrison Parker RE:  
**Subject:** Whataburger Tucker 4453 Hugh Howell Rd  
**Date:** Thursday, March 5, 2026 2:06:55 PM  
**Attachments:** MTOH WB Site Plan & Elevs Presentation 2026-02-24 Rev-2.pdf  
MTOH WB Land-Use-Petition-Application 2026-03-04 Rev-1.pdf

---

Julie-

The signed current owner's Disclosure Report Form has been added to the Land Use Petition Application. The existing and proposed lot coverage have been added to the Existing and Proposed Site Plans respectively. See below.

Total Lot Area:  
33,057 SF (0.76 Acres)

Existing Building Lot Coverage:  
2,718 SF (0.062 Acres)  
8.2% Lot Coverage

Proposed Building Lot Coverage:  
2,444 SF (0.056 Acres)  
7.4% Lot Coverage (Reduction: 0.8%)

Existing Impervious Area:  
25,614 SF (0.59 Acres)  
77.5% Lot Coverage

Proposed Impervious Area:  
22,510 SF (0.52 Acres)  
68.1% Lot Coverage (Reduction: 9.4%)

Existing Pervious Area:  
7,443 SF (0.17 Acres)  
22.5 % Lot Coverage

Proposed Pervious Area:  
10,546 SF (0.24 Acres)  
31.9% Lot Coverage (Increase 9.4%)

Please let us know if you need anything else.

Thanks,

**Dale Friedly AIA LEED® AP**

**Associate / Senior Project Architect**

**WARNER SUMMERS**

404.351.6075 x139

404.734.4873 c

[www.warnersummers.com](http://www.warnersummers.com)

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*Please note our office hours are Monday-Thursday 7:30AM-5:30PM and remotely Friday 8AM-Noon*

---

**From:** Julie Martin <jmartin@tuckerga.gov>

**Sent:** Tuesday, March 3, 2026 12:38 PM

**To:** Dale Friedly <dfriedly@warnersummers.com>; Courtney Smith <CSmith@Tuckerga.gov>; Matthew Couper <mcouper@tuckerga.gov>

**Cc:** Josh Hendon <jhendon@warnersummers.com>; Carine Davis <cdavis@tuckerga.gov>; Grace Zhang <gzhang@tuckerga.gov>; Harrison Parker (harrisonp@MTOH.com) <harrisonp@MTOH.com>

**Subject:** RE: Whataburger Tucker 4453 Hugh Howell Rd

Dale,

The application submittal is nearly complete. The Disclosure Report Form must be signed by the current owner of the property, not just the contract purchaser of the property. Also, please provide the existing and proposed lot coverage for the property, or point me to where I can find them on the submitted documents.

Can you have these items to us by the end of the week?

Thanks,

Julie



**JULIE MARTIN, AICP**  
**PLANNING MANAGER**

T: 470-273-3079

E: [jmartin@tuckerga.gov](mailto:jmartin@tuckerga.gov) | W: [tuckerga.gov](http://tuckerga.gov)



---

Tucker City Hall | 1975 Lakeside Parkway, Suite 350 | Tucker, GA 30084

---

**From:** Dale Friedly <[dfriedly@warnersummers.com](mailto:dfriedly@warnersummers.com)>

**Sent:** Monday, March 2, 2026 5:22 PM

**To:** Julie Martin <[jmartin@tuckerga.gov](mailto:jmartin@tuckerga.gov)>; Courtney Smith <[CSmith@Tuckerga.gov](mailto:CSmith@Tuckerga.gov)>; Matthew Couper <[mcouper@tuckerga.gov](mailto:mcouper@tuckerga.gov)>

**Cc:** Josh Hendon <[jhendon@warnersummers.com](mailto:jhendon@warnersummers.com)>; Carine Davis <[cdavis@tuckerga.gov](mailto:cdavis@tuckerga.gov)>; Grace Zhang <[gzhang@tuckerga.gov](mailto:gzhang@tuckerga.gov)>; Harrison Parker ([harrisonp@MTOH.com](mailto:harrisonp@MTOH.com)) <[harrisonp@MTOH.com](mailto:harrisonp@MTOH.com)>

**Subject:** RE: Whataburger Tucker 4453 Hugh Howell Rd

**External sender** <[dfriedly@warnersummers.com](mailto:dfriedly@warnersummers.com)>

Make sure you trust this sender before taking any actions.

Julie-

I sent a link to download the MTOH Whataburger SLUP application files at just before 4:00pm. In case that didn't go through, all 14 files are attached with this email.

Please acknowledge receipt.

Thanks,

**Dale Friedly AIA LEED<sup>®</sup> AP**  
**Associate / Senior Project Architect**

**WARNER SUMMERS**

404.351.6075 x139

404.734.4873 c

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## Special Land Use Permit Analysis of Standards / Criteria

Drive-Thru Facility for Whataburger at 4453 Hugh Howell Rd, Tucker, GA 30084

### Sec. 46-1594. Special land use permit; criteria to be considered.

1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.

*The existing 0.76 acre site consists of a 2,465 SF Wendy's Quick Serve Restaurant with two curb cuts (one-way in / one-way out traffic pattern), 45 total parking spaces (43 regular + 2 ADA), a dumpster enclosure, and pole mounted site lighting.*

*The proposed use of the site includes reducing the footprint of the building (approximately 2,300 SF), Whataburger related interior and exterior renovations, reducing the paved surface area, adding tree islands and a fully landscaped 50-foot Transitional Buffer. Total parking spaces will be reduced to 23 (21 regular + 2 ADA).*

*The zoning classification and use of the site will remain unchanged.*

*The current 60' Minimum Front Building Setback Line overlaps a triangular portion of existing building footprint by 17'-4" at the northeast corner. The proposed footprint will reduce the overlap to 9'-8" at the same corner.*

2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.

*Similar nearby restaurants with drive-thru facilities include Chick-Fil-A, Cook Out, Zaxby's and Chipotle. With the exception of Chipotle, all are within 600 feet of our location. Repurposing the existing vacant Wendy's building to become a Whataburger quick serve restaurant is compatible with the surrounding properties and land uses.*

3. Adequacy of public services, public facilities, and utilities to serve the proposed use.

*The zoning and quick serve restaurant use of the property will remain unchanged. Existing public services, public facilities, and utilities are adequate to serve the proposed use.*

4. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.

*The zoning and quick serve restaurant use of the property will remain unchanged from the previous occupant. The public street (Hugh Howell Rd) has sufficient traffic-carrying capacity for the proposed use and will not unduly increase traffic and congestion. If necessary, off-duty police officers will be hired to direct traffic during peak operating hours.*

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5. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.

*The zoning and quick serve restaurant use of the property will remain unchanged from the previous occupant. The existing land uses located along access routes to the site will not be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.*

6. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.

*Ingress and egress to the property will remain unchanged. The drive aisle width will be 12 feet minimum. Existing sidewalks will remain unchanged.*

7. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.

*The proposed use of the property will remain unchanged from the previous occupant. The new order board / speaker location is no longer pointed toward the Residential property adjacent to the rear of the site. In addition, the volume of the ordering speaker is automatically controlled to reduce unwanted noise that might have an impact on neighboring properties. There will be no smoke, dust or vibration associated with the proposed use. Any cooking smell should be less than what was produced by the previous occupant of the building.*

8. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.

*The Whataburger hours of operation are 24-hours, 7-days per week, 364 days per year (closed Christmas). Due to the 24-hour operation, Whataburger typically attracts police officers and other first responders taking their overnight lunch break. The presence of employees and first responders will generally increase safety for the restaurant and the adjacent properties.*

9. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

*The proposed use of the property will remain unchanged from the previous occupant. It will have no adverse impacts upon adjoining land use by reason of manner of operation of the proposed quick serve restaurant.*

10. Whether or not the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

*The proposed quick serve restaurant use of the property will remain unchanged from the previous occupant. It is consistent with the C-1 Local Commercial zoning and is an allowable use for the property.*

11. Whether or not the proposed use is consistent with the policies of the comprehensive plan.

*The proposed quick serve restaurant use of the property will remain unchanged from the previous occupant and is consistent with the policies of the comprehensive plan.*

12. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

*The majority of the site's frontage and sides will remain unchanged. The paved surface area will be reduced to accommodate new tree islands at the parking area and a 50-foot*

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***fully landscaped Transitional Buffer along the rear property line shared with an adjacent Residential zoned property.***

13. Whether or not there is adequate provision of refuse and service areas.

***The renovation work will include providing a new masonry wall dumpster enclosure sized and located to accommodate refuse service for the proposed quick serve restaurant use.***

14. Whether the length of time for which the special land use permit is granted should be limited in duration.

***The Special Land Use Permit should be valid for as long as Made to Order Holdings operates the quick serve restaurant at this location. As the local Whataburger franchisee, MTOH prides themselves on being an active part of the community for foreseeable future.***

15. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

***The existing vacant Wendy's building will be repurposed as a Whataburger quick serve restaurant. The exterior will be updated to match the look and feel of a typical Whataburger location. The new parapet will extend 18" above the current height to better screen roof top mechanical equipment. The entry element will extend an additional 3'-6" above the parapet. The size and scale of the renovated building will be very similar to the existing building and blend in with the contextual size, scale and massing of the surrounding properties.***

16. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

***The proposed quick serve restaurant use will not adversely affect any historic buildings, sites, districts, or archaeological resources.***

17. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

***The proposed quick serve restaurant use of the property will remain unchanged from the previous occupant. The supplemental regulation requirement and explanations of compliance are below.***

Restaurants with drive-through services shall meet the following requirements:

- (1) Drive-through facilities shall not be located within 60 feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property.

***The drive-thru facility is located approximately 74 feet from residentially zoned adjacent property.***

- (2) No drive-through facility shall be located on a property less than 10,000 square feet in area. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in article VI of this chapter.

***The property area is 33,057 SF.***

- (3) Drive-through lanes and service windows shall be located to the side or rear of buildings. If on a corner lot, only the pickup window may be located on the side between the

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principal structure and a public street.

***The drive-thru facility is located on the side of the existing building.***

- (4) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.

***The drive-thru canopies shall be constructed of similar elements and materials to match the building.***

- (5) Speaker boxes shall be pointed away from adjacent residential properties. Speaker boxes shall not play music but shall only be used for communication for placing orders.

***The speaker box is pointed toward the adjacent C-1 zoned property to the east. It will have automated volume control for communication and will not play music.***

- (6) Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a minimum of ten feet wide and 25 feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the “pick-up” window).

***Stacking spaces complying with these guidelines are indicated on the proposed Site Plan.***

- (7) Financial institutions with drive-through windows, car washes (automated or staffed facilities), drive-through coffee sales facilities, and any other uses with drive-through facilities with the exception of restaurants with drive-through facilities, shall provide three stacking spaces for each window or drive-through service facility.

***Not applicable. This is a restaurant with a drive-thru facility.***

- (8) Restaurants with drive-through facilities shall provide ten stacking spaces per lane for each window or drive-through service facility.

***As required, ten stacking spaces are indicated on the Site Plan.***

- (9) The following general standards shall apply to all stacking spaces and drive-through facilities:
- a. Drive-through lanes shall not impede on and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.

***Proposed drive-thru lane complies with these requirements.***

- b. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.

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***Proposed drive-thru lane is striped off in compliance with this requirement.***

- c. All drive-through facilities shall include a bypass lane with a minimum width of ten feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.

***Proposed by-pass lane is 11 feet wide minimum and shares space with the parking access aisle.***

- (10) Drive-through lanes must be set back five feet from all lot lines and roadway right-of-way lines.

***Proposed drive-thru lane complies with this requirement.***

- 18. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

***The existing building height is 15'-0". The proposed building height is 16'-6" at the parapet and 19'-6" at the main entry element. There will be no negative shadow impact on any adjoining lot or building as a result of the proposed building height.***

- 19. Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.

***The proposed quick serve restaurant use of the property will remain unchanged from the previous occupant. The proposed use will not result in a disproportionate proliferation of this or similar uses in the subject character area.***

- 20. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

***The proposed quick serve restaurant use of the property will remain unchanged from the previous occupant. The proposed use is consistent with the needs of the neighborhood or the community as a whole, compatible with the neighborhood, and not in conflict with the overall objective of the comprehensive plan.***

**End of Analysis of Standards / Criteria**

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## Environmental Site Analysis and Protection Form

### Special Land Use Permit

#### Drive-Thru Facility for Whataburger at 4453 Hugh Howell Rd, Tucker, GA 30084

1. Are there any environmentally sensitive areas on the property(ies)? This includes wetlands, floodplains, streams/stream buffers, steep slopes (slopes exceeding 25% over a 10-foot rise in elevation). If so, how will the proposed development impact these areas? How will you the proposed development protect these areas?

*There are no wetlands, floodplains, streams/stream buffers, steep slopes or any other environmentally sensitive areas on the property.*

2. Are there archeological or historical sites on the property(ies)? If so, how will the proposed development impact these areas? How will the proposed development protect these areas?

*There are no archeological or historical sites on the property.*

3. Does the proposed project include the creation of and/or preservation of green space and open space? If so, provide the total area of green space/open space and describe the native and invasive vegetation within said area(s).

*Greenspace means undeveloped land that has been designated, dedicated, reserved, or restricted in perpetuity from further development, which is not a part of an individual residential lot.*

*Open space means a portion of a development project or lot that is intended to be free of buildings or parking lots. Open space may be in its natural state or improved with recreation amenities.*

*The proposed project does not include the creation or preservation of green space. Open space will be created by removing paved area at the rear of the site and converting it to the required Transitional Buffer Space between the C-1 zoned property and the adjacent Residential zoned property. Additional planting and landscaping will be included as required by the City of Tucker code.*

4. Will adverse noise or lighting be created by the proposed development? Provide details on any noise generated by the development, as well as the type of lighting that is proposed.

*All sight lighting is existing and will remain in place with the exception of one pole mounted fixture located in the Transitional Buffer area. The light will be relocated to be farther away from the rear property line. There will be no adverse lighting created by the renovation of the site and building.*

*The order board speaker box is pointed toward the adjacent C-1 zoned property to the east. It will have automated volume control for communication and will not play music. There will be no adverse noise created by the renovation of the site and building.*

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## MEMORANDUM

To: Dale Friedly, AIA LEED AP, *Warner Summers*

From: Harrison Forder, P.E., *Kimley-Horn and Associates, Inc.*

Date: March 2, 2026

RE: ***Whataburger 4453 Hugh Howell Road – City of Tucker (DeKalb County), Georgia  
Trip Generation Memorandum***

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Kimley-Horn is pleased to provide this memorandum regarding the project trip generation for the proposed Whataburger development located at 4453 Hugh Howell Road in the City of Tucker, Georgia.

### PROJECT OVERVIEW

The project site is located on an approximate 0.76-acre parcel in the southeast quadrant of the intersection of Hugh Howell Road (SR 236) at Rosser Terrace in the City of Tucker, Georgia. The approximate the parcel currently consists of a former Wendy's restaurant, which is now closed and unoccupied. The existing 2,444 SF building will be renovated to become a Whataburger restaurant. No new building area is proposed. **Figure 1** provides an aerial image of the project site.

The purpose of this memorandum is to estimate the anticipated trip generation of the 2,444 SF Whataburger development.

### TRIP GENERATION

Project traffic, for the purposes of this evaluation, is defined as the vehicle trips expected to be generated by the proposed development. Anticipated trip generation for the development was calculated using rates and equations contained in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 12<sup>th</sup> Edition, 2025*.

Pass-by reductions are taken for a site when traffic normally traveling along a roadway may choose to visit a retail establishment that is along the vehicle's path. These trips were already on the road, and would therefore only be new trips on the driveways. The this development is expected to generate pass-by trips. Per the ITE *Trip Generation Manual*, pass-by rates are 50% during the AM peak hour, and 55% during the PM peak hour.

The density and the anticipated project trip generation are summarized in **Table 1**.

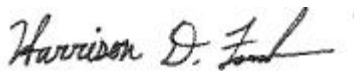
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Table 1: Trip Generation											
Land Use	ITE Code	Density	Daily Traffic			AM Peak			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Fast-Food Restaurant with Drive-Through Window	934	2,444 SF	1,096	548	548	81	41	40	77	40	37
<i>Pass-By Reduction</i>			-574	-287	-287	-42	-21	-21	-42	-21	-21
<b>Net New Trips on External Roadways</b>			<b>522</b>	<b>261</b>	<b>261</b>	<b>39</b>	<b>20</b>	<b>19</b>	<b>35</b>	<b>19</b>	<b>16</b>

Based on **Table 1**, the proposed development is projected to generate approximately 522 net new daily trips (261 in; 261 out), 40 AM peak hour trips, and 35 PM peak hour trips from the proposed development. It should be noted that the site previously operated as a quick-service restaurant, and this trip generation is consistent with what was previously operational.

We hope this information is helpful. If you have any questions concerning this letter or need additional information, please do not hesitate to contact me.

Sincerely,  
 KIMLEY-HORN AND ASSOCIATES, INC.



Harrison Forder, P.E.  
 Project Engineer

Attachments:

1. Site Aerial
2. Trip Generation Analysis
3. Site Plan

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Nearmap

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4453 Hugh Howell Road  
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Trip Generation Memorandum Site Aerial

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Figure  
1

Page 3

**Trip Generation Analysis (12th Ed.)**  
**4453 Hugh Howell Road**  
**Tucker, GA**

Land Use	Intensity	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
<b>Proposed Site Traffic</b>								
934 Fast-Food Restaurant with Drive-Through Window	2,444 s.f.	1,096	81	41	40	77	40	37
<b>Gross Trips</b>		<b>1,096</b>	<b>81</b>	<b>41</b>	<b>40</b>	<b>77</b>	<b>40</b>	<b>37</b>
Restaurant Trips		1,096	81	41	40	77	40	37
<i>Mixed-Use Reductions</i>		0	0	0	0	0	0	0
<i>Alternative Mode Reductions</i>		0	0	0	0	0	0	0
<i>Pass By Reductions (Based on ITE Rates)</i>		-574	-42	-21	-21	-42	-21	-21
Adjusted Restaurant Trips		522	39	20	19	35	19	16
<i>Mixed-Use Reductions - TOTAL</i>		0	0	0	0	0	0	0
<i>Alternative Mode Reductions - TOTAL</i>		0	0	0	0	0	0	0
<i>Pass-By Reductions - TOTAL</i>		-574	-42	-21	-21	-42	-21	-21
<b>New Trips</b>		<b>522</b>	<b>39</b>	<b>20</b>	<b>19</b>	<b>35</b>	<b>19</b>	<b>16</b>
<b>Driveway Volumes</b>		<b>1,096</b>	<b>81</b>	<b>41</b>	<b>40</b>	<b>77</b>	<b>40</b>	<b>37</b>

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Vehicle Pass-By Rates by Land Use

Source: ITE *Trip Generation Manual*, 12th Edition

Land Use Code	934								
Land Use	Fast-Food Restaurant with Drive-Through Window								
Setting	General Urban/Suburban								
Time Period	Weekday AM Peak Period								
# Data Sites	5								
Average Pass-By Rate	50%								
	Pass-By Characteristics for Individual Sites								
					Non-Pass-By Trips			Adj Street Peak	
GFA (000)	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Primary (%)	Diverted (%)	Total (%)	Hour Volume	Source
1.4	Kentucky	1993	—	62	22	16	38	1407	2
3	Kentucky	1993	—	43	14	43	57	2903	2
3.3	--	1996	—	68	—	—	32	—	21
3.6	Kentucky	1993	—	32	47	21	68	437	2
4.2	Indiana	1993	—	46	23	31	54	1049	2

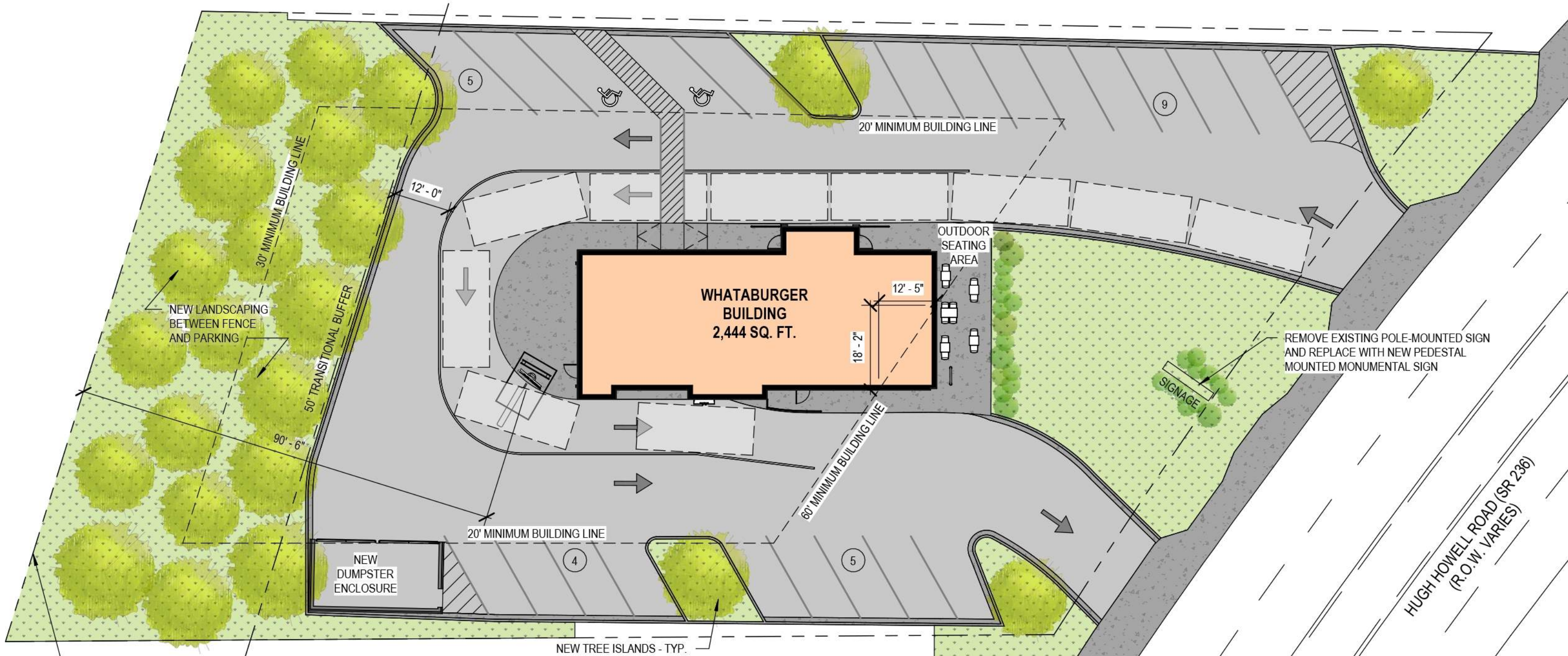
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### Vehicle Pass-By Rates by Land Use

Source: ITE *Trip Generation Manual*, 12th Edition

Land Use Code	934								
Land Use	Fast-Food Restaurant with Drive-Through Window								
Setting	General Urban/Suburban								
Time Period	Weekday PM Peak Period								
# Data Sites	11								
Average Pass-By Rate	55%								
	Pass-By Characteristics for Individual Sites								
					Non-Pass-By Trips				
GFA (000)	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Primary (%)	Diverted (%)	Total (%)	Adj Street Peak Hour Volume	Source
1.3	Kentucky	1993	—	68	22	10	32	2055	2
1.9	Kentucky	1993	33	67	24	9	33	2447	2
2.8	Florida	1995	47	66	—	—	34	—	30
2.9	Florida	1996	271	41	41	18	59	—	30
3	Kentucky	1993	—	31	31	38	69	4250	2
3.1	Florida	1995	28	71	—	—	29	—	30
3.1	Florida	1996	29	38	—	—	62	—	30
3.2	Florida	1996	202	40	39	21	60	—	30
3.3	—	1996	—	62	—	—	38	—	21
4.2	Indiana	1993	—	56	25	19	44	1632	2
4.3	Florida	1994	304	62	—	—	38	—	30

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HUGH HOWELL ROAD (SR 236)  
(R.O.W. VARIES)

- DRIVE-THRU SPECIAL LAND USE PERMIT NOTES:**
1. PROPERTY ZONING: C-1 (LOCAL COMMERCIAL), UNCHANGED  
USE: QUICK SERVE RESTAURANT WITH DRIVE-THRU, UNCHANGED  
PROPERTY AREA: 33,057 SF (10,000 SF MINIMUM REQUIRED)
  2. DISTANCE FROM ADJACENT RESIDENTIAL ZONED PROPERTY: 90' - 6" FEET (65 FEET MINIMUM REQUIRED)
  3. NORTHEAST CORNER OF THE EXISTING BUILDING EXTENDS PAST THE CURRENT 60-FOOT BUILDING SETBACK LINE. THE BUILDING WAS CONSTRUCTED PRIOR TO THE ESTABLISHMENT OF THE CURRENT MINIMUM SETBACKS.
  4. A 50-FOOT TRANSITIONAL BUFFER WITH CODE COMPLIANT LANDSCAPING WILL BE ESTABLISHED AT THE REAR OF THE PROPERTY TO PROVIDE A BUFFER TO THE ADJACENT RESIDENTIAL ZONED PROPERTY.
  5. THERE WILL BE MINIMAL CHANGES TO THE SIZE AND SCALE OF THE BUILDING. THE HEIGHT WILL BE INCREASED BY 18 INCHES TO BETTER SCREEN ROOF TOP EQUIPMENT. THE NEW ENTRY ELEMENT WILL PROJECT 3 FEET ABOVE THE NEW SCREENING ELEMENTS.
  6. IF PEAK HOURS OF OPERATION REQUIRE TRAFFIC MANAGEMENT, MADE TO ORDER HOLDINGS WILL EMPLOY LOCAL OFF-DUTY POLICE OFFICERS TO DIRECT TRAFFIC.
  7. HOURS OF OPERATION WILL BE 24 HOURS / 364 DAYS PER YEAR / CLOSED ON CHRISTMAS.
  8. THE SPECIAL LAND USE PERMIT WILL REMAIN IN PLACE FOR AS LONG AS MTOH OPERATES A WHATABURGER AT THIS LOCATION.
  9. DRIVE-THRU LANES & SERVICE WINDOW LOCATED ON THE SIDE OF THE BUILDING TOWARD THE REAR (NOT STREET FACING).
  10. DRIVE-THRU CANOPIES & STRUCTURES SHALL BE CONSTRUCTED OF SAME MATERIALS AS PRIMARY BUILDING.
  11. SPEAKER BOX IS POINTED TOWARD THE ADJACENT C-1 ZONED PROPERTY (AWAY FROM ADJACENT RESIDENTIAL ZONED PROPERTY).
  12. STRIPED OFF DRIVE-THRU INCLUDES STACKING SPACE FOR 10 CARS (EACH SPACE 10' X 25') AND IS LOCATED MORE THAN 5 FEET FROM ALL LOT LINES AND ROADWAY RIGHT-OF WAY LINES.
  13. PROVIDED BY-PASS LANE IS 12 FEET WIDE (10-FOOT MINIMUM WIDTH REQUIRED).



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