

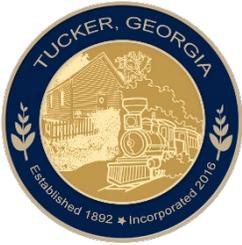
Planning and Zoning
 1975 Lakeside Parkway, Suite 350
 Tucker, GA 30084
 Phone: 678-597-9040
 Website: www.tuckerga.gov

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.

RECEIVED
 CITY OF TUCKER
 03/05/2026
 PLANNING & ZONING
 DEPARTMENT
 SLUP-26-0003



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

Land Use Petition Application

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

APPLICANT INFORMATION

Applicant is the: Property Owner Owner's Agent 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

RECEIVED
CITY OF TUCKER

03/05/2026

PLANNING & ZONING
DEPARTMENT

SLUP-26-0003

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

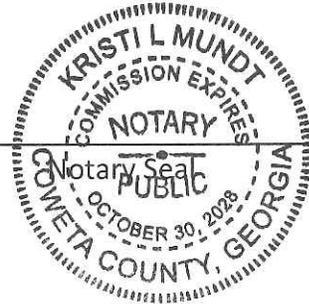
Type or Print Name and Title

Kristi L Mundt

2-25-20

Signature of Notary Public

Date



RECEIVED
CITY OF TUCKER
03/05/2026
PLANNING & ZONING
DEPARTMENT
SLUP-26-0003

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



RECEIVED
CITY OF TUCKER
03/05/2026
PLANNING & ZONING
DEPARTMENT

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

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

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

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

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

RECEIVED
CITY OF TUCKER
03/05/2026
PLANNING & ZONING
DEPARTMENT
SLUP-26-0003

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) David Andes
 Signature: David Andes Date: 3/04/2026

RECEIVED
 CITY OF TUCKER
 03/05/2026
 PLANNING & ZONING
 DEPARTMENT
 SLUP-26-0003

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

RECEIVED
CITY OF TUCKER
03/05/2026
PLANNING & ZONING
DEPARTMENT
SLUP-26-0003

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

RECEIVED
CITY OF TUCKER
03/05/2026
PLANNING & ZONING
DEPARTMENT
SLUP-26-0003

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

RECEIVED
CITY OF TUCKER
03/05/2026
PLANNING & ZONING
DEPARTMENT
SLUP-26-0003

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

Application Deadline	Planning Commission	M&CC 1st Read	M&CC 2nd Read
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.

RECEIVED
CITY OF TUCKER
03/05/2026
PLANNING & ZONING
DEPARTMENT
SLUP-26-0003