

Hearing Date: July 1, 2024

Case Number: SE-24-11

Applicant: Vic Johnson, Living Well Pharmacy  
Property Owner: Shadowland Properties, LLC.  
Property Address: 3736 Mike Padgett Highway  
Tax Parcel No: 157-4-005-00-0  
Fort Eisenhower Notification Required: N/A  
Commission District: District 1: Jordan Johnson  
Super District 9: Francine Scott



REQUEST	PROPOSED USE/ACTIVITY	APPLICABLE COMPREHENSIVE ZONING ORDINANCE SECTION
Special Exception	Dispense low THC oil within 1,000 feet of a covered entity pursuant to O.C.G.A. 16-12-215(a).	Section 26-1(w)

**SUMMARY OF REQUEST:**

The applicant is requesting a special exception to allow for the dispensing of low THC oil within 1,000 feet of a cover entity pursuant to O.C.G.A. 16-12-215(a).

**COMPREHENSIVE PLAN CONSISTENCY:**

The subject property is located within the East Augusta Character Area. The vision for East Augusta is to is to create a vibrant and sustainable community that balances residential and industrial needs while preserving the natural environment. One of the recommended development patterns is for neighborhood activity centers to provide a focal point for community services and a location for appropriately scaled retail establishments especially in underserved neighborhoods. The pharmacy is in an area of other commercial uses and the proposed special exception is consistent with aspects of the 2023 Comprehensive Plan.

**FINDINGS:**

1. Living Well Pharmacy is located at the intersection of Nixon Farm Road and Mike Padgett Highway in a 15,560 square foot shopping center.
2. The Living Well Pharmacy is zoned B-1 Neighborhood Business.
3. The covered entities that prohibit the dispensing of Low THC oil within 1,000 feet include public and private schools, early care and education programs, and churches, synagogues or other houses of worship.

4. The covered entity preventing Living Well Pharmacy from dispensing low THC oil within 1,000 feet of the Living Well Pharmacy is a church allocated on Mike Padgett Highway approximately 625 feet from the pharmacy.
5. Staff have reached out to the church in question and physical talked with them concerning the special exception. They stated that they did not have any concerns with the request.
6. Section 26-1(w) has the following criteria for special exceptions for dispensing low THC oil within, 1,000 feet of a covered entity:
  - The dispensing licensee's location is needed to allow retail outlets to be established to serve registered patients, as defined in O.C.G.A. 16-12-200(11). **According to the applicant there are currently over 410 registered patients in Richmond County in need of such products with no low THC-oil medical dispensaries in Richmond County.**
  - The dispensing licensee's location is in conformity with the Comprehensive Plan. **The request is consistent with the Comprehensive Plan.**
  - The dispensing licensee's operation shall be consistent with all applicable state permitting and licensing requirements. **The applicant is compliant with all applicable state permitting and licensing requirements.**
  - The Planning Commission shall determine that the foregoing requirements have been satisfied, and further, that the benefits of the proposed dispensing licensee are greater than any possible depreciating effect as and damages to neighboring properties.
7. At the time of completion of this report, staff has not received any inquiries concerning this application.

**RECOMMENDATION:** The Planning Commission recommends **APPROVAL** of this special exception allowing for dispensing low THC oil within 1,000 feet of a covered entity.

**NOTE:** *This staff report includes the information available approximately two weeks prior to the Planning Commission hearing. It represents an evaluation of the facts presented by the applicant, research done by the staff, and consideration of the relevant factors in the Comprehensive Zoning Ordinance of Augusta, Georgia. New facts may emerge, and staff reserves the right to make a verbal recommendation at the hearing based on all the information available at that time.*



*Your Trusted Partner in Living Well.*

**Vic Johnson, R.Ph., BCNP**  
**Tel: 706-262-4455**

**3736 Mike Padgett Hwy**  
**Augusta, GA 30906**  
[www.livingwellpharmacy.com](http://www.livingwellpharmacy.com)

## **LETTER OF INTENT**

Living Well Pharmacy, a Georgia Board of Pharmacy licensed pharmacy, established October 2012 and located at 3736 Mike Padgett Hwy, Augusta, GA 30906, requests a Special Exemption from Augusta Planning and Development with ultimate approval by the Augusta City Commission, to dispense Medical Low THC Oil as authorized by O.C.G.A. 16-12-206(a)(1) within a covered entity O.C.G.A. 16-12-215(a).

The special exemption would be to allow Living Well Pharmacy to be within 1000 feet of a covered entity. In this particular case, the Hwy 56 Church of Christ located at 3744 Mike Padgett Hwy.

Respectfully Submitted,

Vic Johnson, R.Ph., BCNP, C.O.O.

Living Well Pharmacy  
3736 Mike Padgett Hwy  
Augusta, GA 30906  
706-262-4455

[victor@livingwellpharmacy.com](mailto:victor@livingwellpharmacy.com)

Shadowland Properties LLC  
3736-A Mike Padgett Hwy  
Augusta, GA 30906  
706-589-9669

May 22, 2024

Department of Planning and Development  
Planning Division  
535 Telfair St, Suite 300  
Augusta, GA 30901

RE: Living Well Pharmacy

To Whom it May Concern:

Shadowland Properties, LLC is aware of the application by Living Well Pharmacy to dispense medical low THC oil within a covered entity.

We have no objection to this request.

Questions can be directed to me via 706-589-9669.

Sincerely,



Mike Hodnick  
Member  
Shadowland Properties, LLC





**STATE OF GEORGIA**  
Georgia Board of Pharmacy  
Retail Pharmacy  
LICENSE NO. PHRE009894 Status: Active

Living Well Pharmacy  
3736 Mike Padgett Hwy  
Augusta GA 30906

Expires: 06/30/2025  
Issued: 01/18/2013

Pharmacist in Charge RPH014405  
Victor Lee Johnson

**Real-time license verification is available at [gadch.mylicense.com/verification](http://gadch.mylicense.com/verification)**

Above is your wall certificate license to practice as a **Retail Pharmacy** in the State of Georgia. A pocket-sized license card is below.

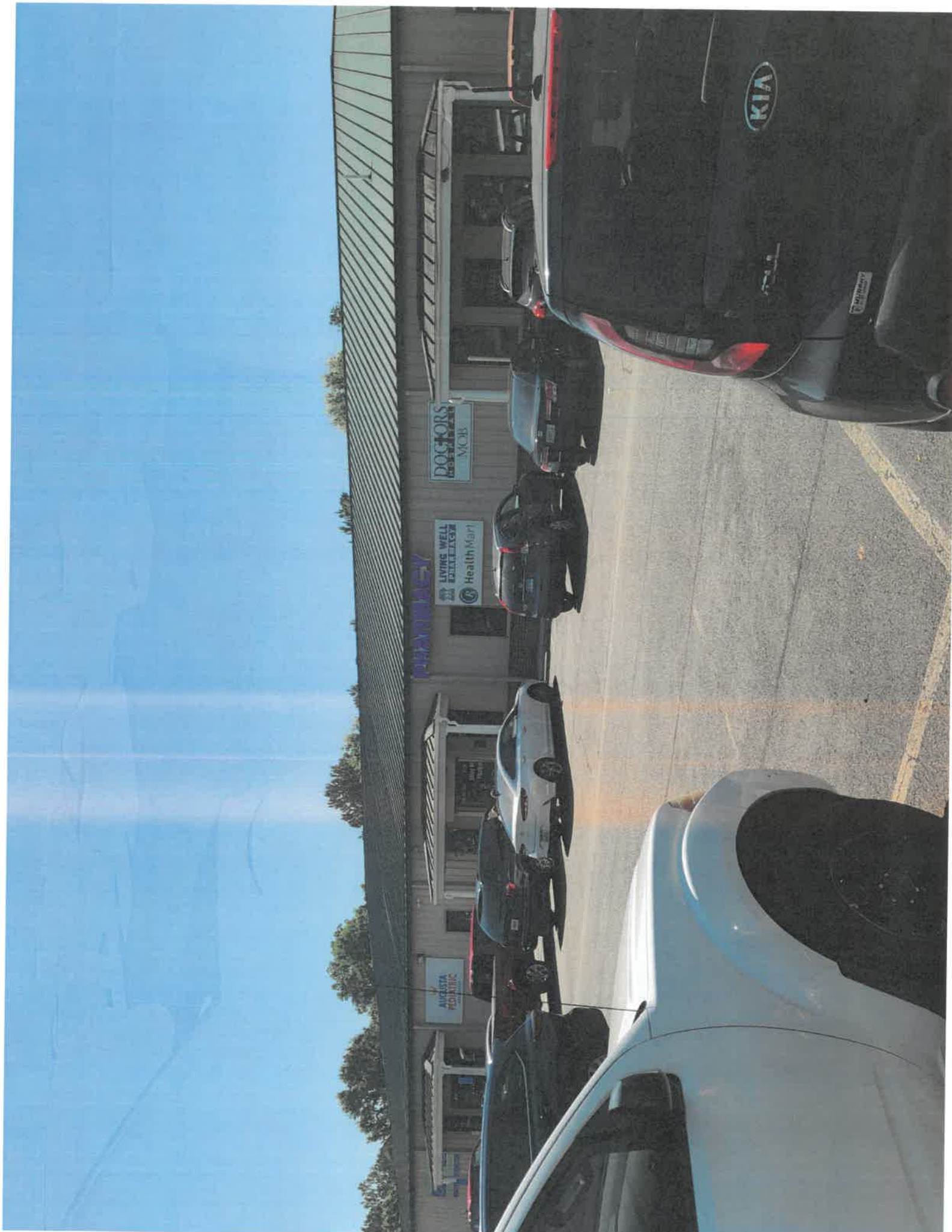
Please make note of the expiration date on your license. It is your responsibility to renew your license before it expires.

Please notify the Board if you have a change of address.



**STATE OF GEORGIA**  
Georgia Board of Pharmacy  
Retail Pharmacy  
LICENSE NO. PHRE009894 Status: Active  
Living Well Pharmacy  
3736 Mike Padgett Hwy  
Augusta GA 30906

Expires: 06/30/2025 Pharmacist in Charge RPH014405  
Issued: 01/18/2013 Victor Lee Johnson  
**Real-time license verification is available at [gadch.mylicense.com/verification](http://gadch.mylicense.com/verification)**





Planning Commission  
SE-24-11  
July 1, 2024

3736 Mike Padgett Highway

Aerial

Legend



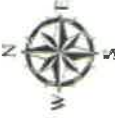
Subject Property



Produced By: City of Augusta  
Planning & Development Department  
535 Tellico Street Suite 300  
Augusta, GA 30901  
8/12/2024 q22178

Augusta, GA 30901

This plan was prepared for the City of Augusta, Georgia. It is not to be used for any other purpose without the written consent of the City of Augusta. The City of Augusta is not responsible for the accuracy of the information provided in this plan. The City of Augusta is not responsible for the accuracy of the information provided in this plan. The City of Augusta is not responsible for the accuracy of the information provided in this plan.



0 200 Feet



**Request:** A special exception per Section 26-1(w) of the Comprehensive Zoning Ordinance to allow for the dispensing of medical low THC-oil within 1,000 feet of a covered entity affecting property containing approximately 2.27 acres located at 3736 Mike Padgett Highway.  
**Name:** Living Well Pharmacy on behalf of Shadowland Properties LLC  
**Parcels:** 157-4-005-00-0





Planning Commission  
SE-24-11  
July 1, 2024

3736 Mike Padgett Highway

Current Zoning

Legend

Subject Property

Zoning Classification

A: Agriculture

B-1: Neighborhood Business

B-2: General Business

HI: Heavy Industry



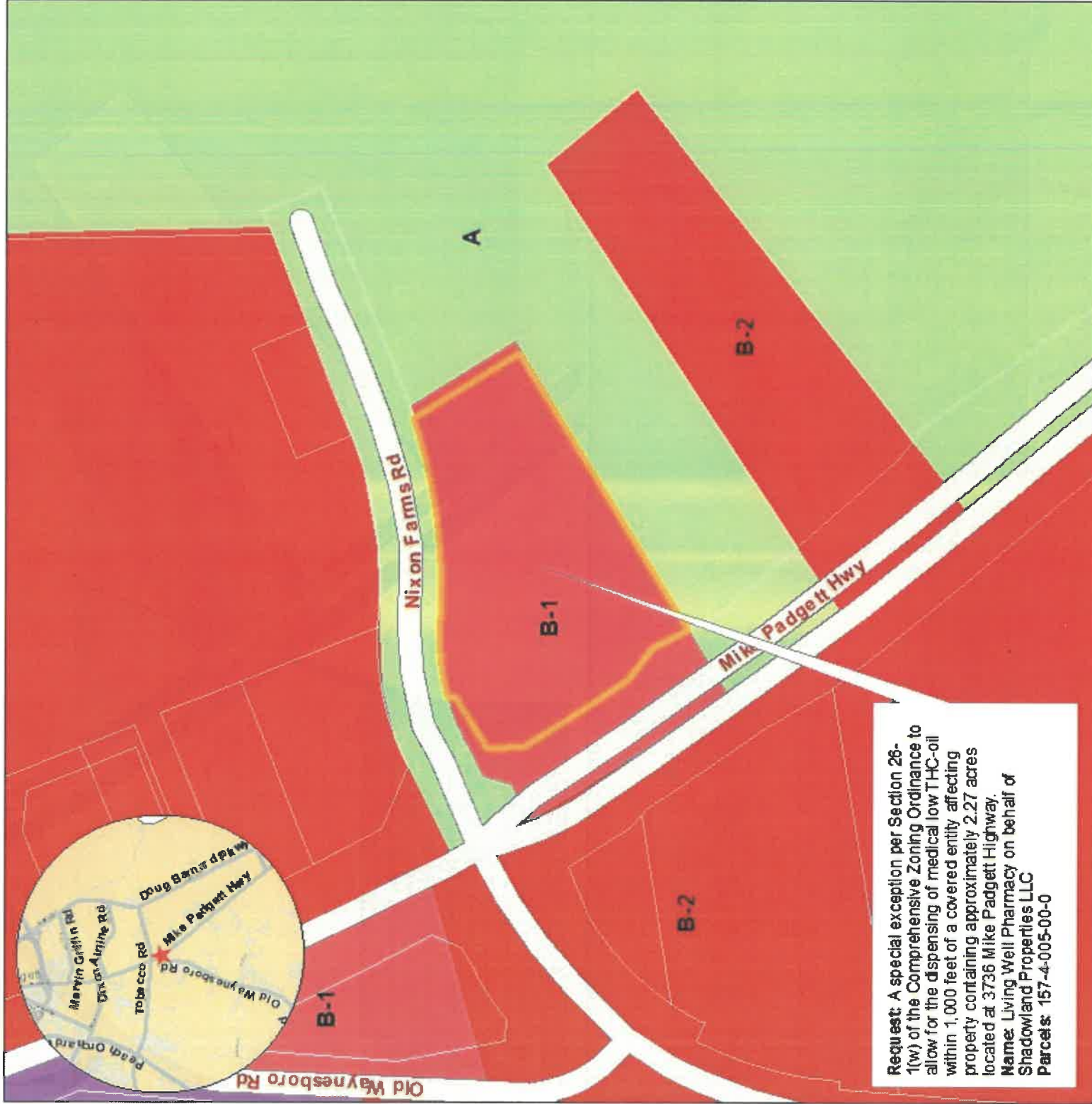
Produced By: City of Augusta  
Planning & Development Department  
335 Telfair Street Suite 300  
Augusta, GA 30901  
612/2024 022178

Augusta, GA, 30901

This document is the property of the City of Augusta, Georgia. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the City of Augusta, Georgia. The City of Augusta, Georgia, is not responsible for any errors or omissions in this document. The City of Augusta, Georgia, is not responsible for any damages, including consequential damages, arising from the use of this document. The City of Augusta, Georgia, is not responsible for any claims, including consequential claims, arising from the use of this document. The City of Augusta, Georgia, is not responsible for any claims, including consequential claims, arising from the use of this document.



0 200 Feet



**Request:** A special exception per Section 26-1(w) of the Comprehensive Zoning Ordinance to allow for the dispensing of medical low THC-oil within 1,000 feet of a covered entity affecting property containing approximately 2.27 acres located at 3736 Mike Padgett Highway.  
**Name:** Living Well Pharmacy on behalf of Shadowland Properties LLC  
**Parcels:** 157-4-005-00-0



Planning Commission  
SE-24-11  
July 1, 2024

3736 Mike Padgett Highway


Future Zoning


Legend


 Subject Property

Zoning Classification

 A: Agriculture

 B-1: Neighborhood Business

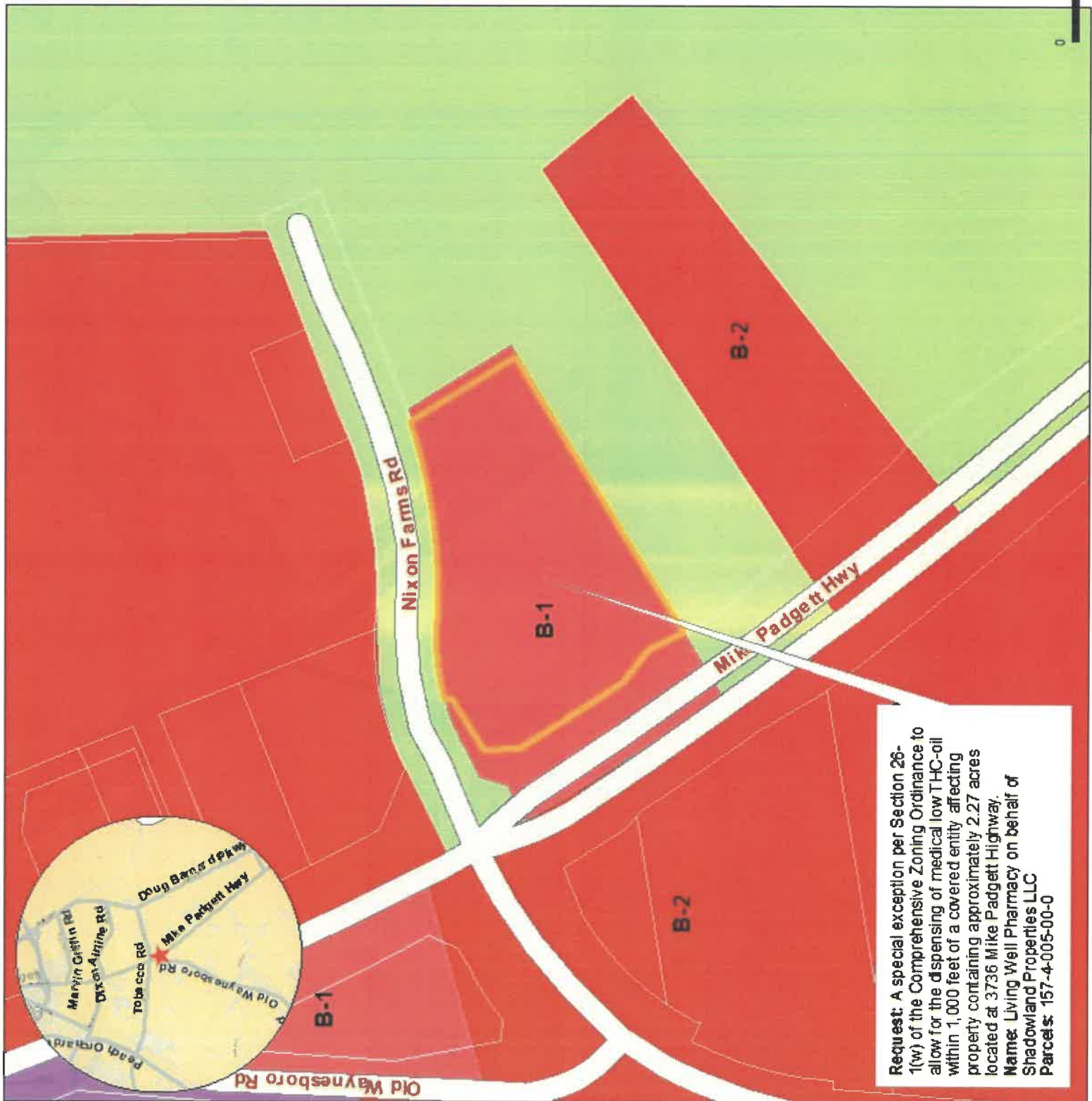
 B-2: General Business

 HI: Heavy Industry



Produced By: City of Augusta  
Planning & Development Department  
535 Taylor Street Suite 300  
Augusta, GA 30901  
6/12/2024 d22178

This plan is prepared for the City of Augusta. The plan is not to be used for any other purpose without the written consent of the City of Augusta. The plan is not to be used for any other purpose without the written consent of the City of Augusta. The plan is not to be used for any other purpose without the written consent of the City of Augusta.



**Request:** A special exception per Section 26-1(w) of the Comprehensive Zoning Ordinance to allow for the dispensing of medical low THC-oil within 1,000 feet of a covered entity affecting property containing approximately 2.27 acres located at 3736 Mike Padgett Highway.  
**Name:** Living Well Pharmacy on behalf of Shadowland Properties LLC  
**Parcels:** 157-4-005-00-0