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A nonprofit public interest law firm serving the Waccamaw Neck community.

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VIA EMAIL

Georgetown County Planning Commission
129 Screven Street
Georgetown, SC 29442

RE: LITCHFIELD COUNTRY CLUB & FOUNDERS CLUB GOLF COURSE REZONING

Dear Planning Commission:

Thank you the opportunity to provide input on this important issue.

I am writing on behalf of many residents of Litchfield Country Club and Founders Club golf courses as well as citizens of the Lower Waccamaw Neck. The decision before you will not only directly affect hundreds of taxpaying residents of these two golf courses, it will also have a substantial impact on our entire golf course community that is supported by a tourist-based economy.

Direction from County Council to Planning Commission

We understand that County Council specifically directed the Planning Commission to consider a rezoning to "protect the golf courses against residential development." Residents appreciate the stated goal and support the urgent need to change the existing R-10 zoning. This is long overdue.

The best and most logical way to accomplish the goal of protecting the golf courses against residential development is to not allow residential development on the golf courses. Planning Commission has the power to create a recreational zoning district for the two golf courses that does not allow residential development. This is what residents are asking you to do.

Precedent for Non-Residential Rezoning of Golf Courses

Georgetown County Planning Commission would not be blazing any new trails by creating and implementing a non-residential zoning district to protect these two golf courses. There is a solid foundation of legal precedent in South Carolina and the United States Supreme Court to support such a rezoning.

The Town of Mount Pleasant was faced with this very same issue. In order to protect their golf courses from being converted for residential development, the Town rezoned all five of its golf courses to "Conservation Recreation," which did not allow any residential development.

In 2013, the South Carolina Supreme Court in *Dunes West Golf Club, LLC v. Town of Mount Pleasant*, upheld this rezoning as proper in a factual situation that was far less clear than Litchfield Country Club and Founders Club golf courses. There are many other cases that fully support the County's clear power and authority to implement a non-residential rezoning of these two golf courses.

Litchfield Country Club and Founders Club golf courses were purchased by the Chinese-owned Founders International Group as golf courses and have always been used exclusively as golf courses. Accordingly, Founders does not have any arguable vested rights to residential development of these two golf courses that would prevent the County from rezoning them as non-residential.

Zoning Options

While the proposed "Neighborhood Amenity" (NA) zoning district may be preferable to the current R-10 zoning, it does not accomplish the County's stated goal of "protecting the golf courses against residential development," because it still allows residential development. It also adds some commercial uses. The County estimates that the proposed zoning would allow 31 houses on Litchfield Country Club golf course and 32 on Founders Club golf course. This not only fails to accomplish the County's stated goal, it is also contrary to the desire of residents who wish to have protection against any residential development.

In 2007, the County intentionally created a "Private Recreational" Comprehensive Plan designation for these two courses which allowed no residential development. The purpose was to protect the golf courses. Unfortunately, from 2007 until 2024 when the new Comprehensive Plan was adopted, the County never followed through with changing the R-10 zoning to conform with the "Private Recreational" designation as required by state law and the county's own written policy. Now residents are stuck with noncompliant R-10 zoning that should have been changed many years ago.

The County has the power and authority to implement a non-residential zoning district to protect these two golf courses. To do otherwise would be to put the best interests of the Chinese golf course owner above the best interests of thousands of taxpaying citizens.

Requested Planning Commission Recommendation

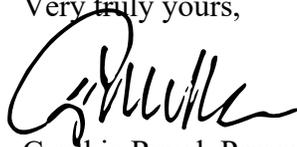
We respectfully request the Planning Commission to consider and recommend the following:

1. Return the Comprehensive Plan designation for these two golf courses to non-residential "Private Recreational" as it had been from 2007-2024.

2. Create a conforming non-residential "Private Recreational" zoning district for rezoning of these two golf courses.
3. In the interim, temporarily rezone the two golf courses as "Neighborhood Amenity" until the new "Private Recreational" zoning district is drafted and approved.

Materials supporting this request are attached. Thank you for your kind attention and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'C. Ranck Person', written in a cursive style.

Cynthia Ranck Person, Esquire
Executive Director

Enclosures

TIME LINE

Litchfield Country Club Golf Course & Founders Club Golf Course

1960's-1970's: Litchfield Country Club Golf Course & Hagley Estates Golf Course (predecessor of Founders Club) constructed and opened. Hagley has a deed restriction requiring use of the land as a golf course.

1980's: Before South Carolina counties were required to have a Comprehensive Land Use Plan, Georgetown County broadly zoned these two golf courses and all surrounding land as R-10 which allows 4 single family homes per acre on the golf course.

1994: South Carolina adopted the Comprehensive Planning Enabling Act requiring counties to have a Comprehensive Land Use Plan and maps in place by 1999 and zoning regulations that implement and "*must* be in accordance with the Comprehensive Plan for the jurisdiction."

1997: Georgetown County adopted its first Comprehensive Plan which committed to immediately start the process of changing zoning to conform to the Comprehensive Plan.

2007: 2007 Comprehensive Land Use Plan Update: The County created a land use designation for both golf courses called "Private Recreational," which allowed no residential development. The County failed to change the R-10 zoning to bring it into accordance with the "Private Recreational" Comprehensive Plan designation as required by state law.

March 2015: 2015 Comprehensive Land Use Plan Update: County retained the "Private Recreational" designation on both golf courses which allowed no residential development. County never changed R-10 zoning to be in compliance with Comprehensive Plan.

April 2015: Chinese Company (Founders) purchased the two golf courses along with 20 others in the Waccamaw Neck/Myrtle Beach area (including Litchfield Racquet Club). At this time, the Comprehensive Land Use Plan and Maps designated both golf courses as "Private Recreational" which allowed no residential development. Georgetown County had not updated the outdated noncompliant R-10 zoning on to be consistent with "Private Recreational."

2018: Founders sold Litchfield Racquet Club to a developer to build 105 high density condominium units. Citizens successfully blocked this effort.

2019-2024: After Litchfield Racquet Club sale, residents repeatedly requested County to bring zoning of the two golf courses along with other noncompliant zoning in the Waccamaw Neck into compliance with Comprehensive Plan "Private Recreational" designation as required by state law. The County failed to do so.

2024: The County passed a new Comprehensive Land Use Plan that changed the "Private Recreational" designation of the two golf courses, which allowed no residential development, to "CONAG" which allows low density residential development.

2025: The County proposes changing the noncompliant R-10 zoning to a new zoning district called "Neighborhood Amenity" that allows low density residential development.

The "Introduction" to the 1997 GTC Comp Plan (first one) clearly spells out the County's responsibility to bring zoning into accordance with the Comprehensive Plan. The language specifically states:

"In order for local ordinances regulating land use to be valid, they must be adopted in accordance with a locally adopted plan ... the actual governing laws and ordinances must change to reflect the goals and action items within the Plan. Once the Plan is adopted, the planning staff will immediately commence work on changes to the Zoning Ordinance."

South Carolina Planning Enabling Act §6-29-720(B) states:

"[Zoning] regulations shall be made in accordance with the Comprehensive Plan for the jurisdiction."