

January 17, 2023

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Via email

Re: Opposition to TMOD-22-012

Dear Mayor Cobble and City Council:

I am writing on behalf of PETA to oppose TMOD-22-012, which would amend the City of Stonecrest's Code to allow indoor animal exhibits in the C-1 and C-2 zoning districts. PETA is opposed to this amendment because its sole purpose is to bring SeaQuest Stonecrest—a petting zoo/aquarium located inside the Mall at Stonecrest that has been operating illegally since November 2021—into compliance with the City's zoning code. SeaQuest never should have opened in the first place, and changing the law to accommodate a business that apparently negotiated its operation with [disgraced former Mayor Jason Lary](#) (*see* Ex. A) sends the message that Stonecrest continues to be a safe haven for scofflaws and shady back room deals.

SeaQuest [opened](#) at the Mall at Stonecrest on November 9, 2021. Five months before this facility opened to the public, PETA alerted the City to the fact that an aquarium and petting zoo were not permitted uses within the C-1 zoning district and that before SeaQuest could even begin construction it would need to obtain a variance from the City's zoning board. Ex. B (PETA Letter to Janice Allen Jackson and Jim Summerbell, June 17, 2021). Throughout June and July 2021, PETA was in regular contact with city officials about zoning and other problems associated with SeaQuest's development to no avail. Ex. C (PETA follow-up correspondence).

On July 22, 2021, PETA raised alarm bells with city officials after we obtained a letter from then Mayor Lary to SeaQuest stating that “the operation of a SeaQuest attraction at our premier Mall at Stonecrest is a permitted use” under the zoning ordinance. *Id.* (PETA correspondence); *see also* Ex. A (Letter from Mayor Lary to SeaQuest, March 23, 2021). This letter was alarming for two reasons. First, PETA obtained this letter from a public records request to the Georgia Department of Natural Resources – not from the City. Ex. D at pg. 6 (Vince Covino Wild Animal License Application to GDNR). In fact, the City stated it had no relevant records in response to two public records requests PETA submitted on April 9, 2021 and June 24, 2021—requests dated *after* Mayor Lary's letter. Ex. E (April 9, 2021 Request

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ENTITIES:

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- PETA Australia
- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)

and Response); Ex. F (June 24, 2021 Request and Response). In light of this information, combined with the allegations of fraud surrounding Mayor Lary at that time, PETA was concerned that city officials were unaware of Mayor Lary's actions. Second, the mayor does not have the legal authority to give zoning approval, especially for a prohibited use that would require a variance. Pursuant to the Stonecrest City Code, "[t]he provisions of th[e] zoning ordinance shall be administered by the director of planning or his designee, in conjunction with the planning commission, the zoning board of appeals and the city council." Zoning Code § 7.1.2(A)(1). Thus, it appeared that Mayor Lary was operating outside the bounds of the law. Despite these warnings, city officials did nothing to stop SeaQuest from opening in blatant violation of the zoning code.

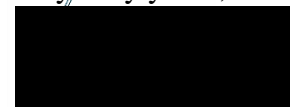
SeaQuest is a national chain, and prior to building the Stonecrest location it had constructed nine other locations across the country. SeaQuest is legally responsible for ensuring that its operations are fully compliant with federal, state, and local laws. Given that SeaQuest has built several locations at shopping malls across the county, it is very familiar with the zoning approval process. In fact, SeaQuest's attempt to build a location at a mall in Fort Lauderdale Florida [was thwarted](#) because of PETA's litigation over its zoning approval. Ex. G. SeaQuest should have known that a letter from the mayor—especially a mayor embroiled in [fraud allegations](#)—was not tantamount to zoning approval.

Given the factual circumstances here, PETA urges the City Council to reject TMOD-22-012. SeaQuest has been operating in violation of the zoning code since November 2021, which means the facility is a public nuisance that should be shut down. *See* City Code § 1-11(f). There is already a legal process in place for obtaining a variance, which is what SeaQuest should have applied for back in 2021, but didn't. City Code § 7.5.3. SeaQuest should be required to close to the public until such time that it obtains a variance to the existing zoning code. Amending the zoning code *after* a facility has been open for over a year, sets a precedent of build first, ask permission later. For a growing city, this is a dangerous precedent.

If the City Council decides to approve TMOD-22-012, PETA urges it to include an additional condition that prohibits public contact with wild animals. SeaQuest's advertising gives customers a false assurance that interaction with wild animals is safe. However, SeaQuest's interactive business model and lax animal handling practices has repeatedly jeopardized the public's safety. Injuries from contact between wild animals and the public has been a chronic problem at many of SeaQuest's facilities. The severity of reported injuries has ranged from bites that caused "a small amount of blood" to customers rushing their child to the hospital for [a gaping wound that needed stitches](#) or [seeking post-exposure treatment](#) for rabies. In response to the growing number of injuries at SeaQuest facilities across the country, PETA recently asked the Federal Trade Commission [to investigate SeaQuest](#) for unfair trade practices. Ex. H (SeaQuest FTC Complaint, Dec. 5, 2021). Prohibiting public contact with wild animals would ensure the safety of the general public.

I would urge the City Council to require that SeaQuest comply with the existing zoning code, which applied to SeaQuest when it opened in 2021 and should still apply now.

Very truly yours,



Michelle Sinnott, Esq.
Director, Captive Animal Law Enforcement

