

**SAUL  
EWING**

Attorneys at Law  
A Delaware LLP

Celebrating 85 years of service.

August 9, 2006

Mr. James DiPinto  
City of Wilmington  
City/County Building, 3<sup>rd</sup> Floor  
Wilmington, DE 19801

RE: CCS Investors, LLC/Gibraltar

Dear Mr. DiPinto:

As counsel for CCS Investors, I am in receipt of a letter prepared by Jeffrey Goddess on the letterhead of the law firm of Rosenthal, Monhait & Goddess. Thank you for the courtesy of providing this to me in advance of tonight's hearing. The letter purports to enclose a "petition signed by two hundred residents opposing commercial, office use development of the site..."

First, reference to "200" signatures should be discounted on its face as it appears that multiple members of the same household "signed" the petition.

Second, and even more importantly, it has come to our attention that this opposition petition was also signed by people under: 1) false pretenses ; 2) duress and/or; 3) not at all! Please see emails attached hereto attesting to such tactics.

It is for this very reason that quasi-judicial bodies hearing land use matters such as the City of Wilmington Board of Adjustment should not rely on petitions as "substantive evidence." See *Lincoln Heights Associations v. Cranford Planning Board*, 314 N.J. Super. 366, 377; *Seibert v. Dover Township Board of Adjustment*, 174 N.J. Super. 548 (Law Div. 1980); *Exxon v. Bernardsville Board of Adjustment*, 196 N.J. Super. 183 (Law Div. 1984); and *William M. Cox, Zoning and Land Use Administration*, Section 27-7.5, p. 612 (2006). Such petitions are not made under oath and the signers are not available to answer questions.

Rather, the Board should rely solely on the competent, credible, sworn testimony and record exhibits presented this evening in reaching its determination as to whether the applicant is entitled to relief in the form of a variance.

P.O. Box 1266 • Wilmington, DE 19899-1266 • Phone: (302) 421-6800 • Fax: (302) 421-6813

Courier Address: 222 Delaware Avenue, Suite 1200 • Wilmington, DE 19801-1611

BALTIMORE CHESTERBROOK HARRISBURG NEWARK PHILADELPHIA PRINCETON WASHINGTON WILMINGTON

August 9, 2006

Page 2

I trust this letter constituting my formal objection to the petition will also be in the "Board's packet", and I very much look forward to having the opportunity to establish a compelling case through sworn witnesses' testimony, available for cross examination.

Thank you in advance.

Very truly yours,



Wendie C. Stabler

Enclosures

cc: Chairman and Members of the Board  
Jeffrey Goddess, Esquire  
Gary Linarducci, Esquire  
Mr. Drake Cattermole  
Julianne Hammond, Esquire  
Ms. Rebecca Sheppard (PDI)

**Stabler, Wendie C.**

---

From:   
Sent: Wednesday, August 09, 2006 10:53 AM  
To: Stabler, Wendie C.  
Subject: Fwd: Letter from Karen Healy

-----Original Message-----

From:   
Subj: Letter from Karen Healy  
Date: Wed Aug 9, 2006 9:08 am  
Size: 1K  
To:

Hi, Drake. Jack asked me to write a letter saying I've reconsidered my signing of the neighborhood petition, which I really have. Jack never signed it--just me. I did feel very pressured by John Kurtz when he bugged me every time I walked my dog and then came to my house and started in with his "don't I care about our neighborhood?" I was a bit worried about the traffic and the "97-car parking lot."

After talking to Wendy Stabler at the meeting at the Delaware Art Museum and then hearing you and David talk about your plans for Gibraltar, I think an attractive, low-rise office building is an excellent idea, and maybe the only one, to be able to raise enough money to renovate the mansion. Trusting in you and David and your families, I believe you will do an excellent job in maintaining the grounds and the dignity of our neighborhood.

Consequently, I will request that my name be taken off the petition to block your project for Gibraltar.

Sorry I don't know how to attach letters, etc., on the computer, so this email will have to suffice, even though I know it isn't a formal letter.

Good luck with the hearing.

Karen Healy

**Marty MEISSNER**

---

**From:**  
**To:**  
**Sent:** Wednesday, August 09, 2006 5:38 PM  
**Subject:** (no subject)

Dear Karen:

I am sorry that you should have felt pressured by me in any way, I certainly felt you were freely signing the Gibraltar petition. I did have a couple of lively discussions with people who did not want to sign, and we parted amicably.

All you had to do at any time was to call me and we would have removed your name right away.

Regards,

John

Jon Schmidt

8 August 2006

Mr. Cattermole:

My name is Jon Schmidt, I am a resident of Wilmington, Delaware and graduate student in Historic Preservation at the University of Delaware. I am writing this letter in reference to the preservation of the Gibraltar property at 1405 Greenhill Ave. As a concerned resident of the city and preservation professional, I would like very much to see the property preserved. I am in favor of the adaptive reuse of Gibraltar if that has been deemed to be the best and most viable preservation plan for the property.

On June 5, 2006, I attended a community meeting in the auditorium at Highlands Elementary School concerning the proposed construction of apartments at the site of the former Brandywine Mills. The meeting gave community members an opportunity to vocalize concerns about the potential impact of the proposed construction on local history and the current neighborhood culture. In the lobby of the auditorium was a small table containing leaflets and fliers in support of other local preservation efforts.

On this table was a petition from an organization calling themselves "Friends of Gibraltar." Under the impression that this petition would support the proposed preservation of the property, I added my name and personal information to the document. After discussing my action with friends, who are also preservation professionals, I became aware of the true motives behind the petition. I was surprised to discover that the activities of Friends of Gibraltar were in fact blocking the current preservation proposal. At an event supporting preservation in the local community, I feel as though the petition misrepresented the goals of the Friends of Gibraltar organization.

I was subsequently put in contact with a representative of Friends of Gibraltar and requested that my name be removed from the petition. I expressed my feeling that the petition misrepresented the views of the organization. To my knowledge, the matter was dealt with cordially and appropriately.

I have a great deal of personal and professional respect for the people working to preserve Gibraltar. I trust their professional judgment and abilities.

Feel free to contact me if there are any further questions about my experience in this matter.

Best Regards,

Jon Schmidt [electronic signature]

**Marty MEISSNER**

---

**From:** "Marty MEISSNER"  
**To:** "Jon Schmidt"  
**Cc:** "Gary Linarducci"  
**Sent:** Wednesday, June 07, 2006 8:20 PM  
**Subject:** Fw: Rockford Falls/Gibraltar

Dear Jon,

My sincerest apologies if you felt that the Gibraltar petition was misleading. I have removed your name from the petition. Our intent is not to mislead anyone and I'm sure you can appreciate that those of us who live near the Gibraltar site do not relish its proposed conversion to an office park. If you have any further questions, please let me know.

Marty Meissner

----- Original Message -----

**From:** Gary Linarducci  
**To:** 'Jon Schmidt';  
**Sent:** Wednesday, June 07, 2006 9:11 AM  
**Subject:** RE: Rockford Falls/Gibraltar

Jon

Thank you for your message about the meeting.

I am sending a copy of your message to Marty Meissner, one of the neighbors involved with gathering signatures for the Gibraltar project with the hope that Marty will respond to your concerns.

Gary Linarducci

-----Original Message-----

**From:** Jon Schmidt  
**Sent:** Wednesday, June 07, 2006 7:58 AM  
**To:** gary@ssdib.com  
**Subject:** Rockford Falls/Gibraltar

Sir-

Good morning, my name is Jon Schmidt. First and foremost I wanted to congratulate you on a successful meeting this past Monday. The manner in which members of the Rockford Falls Working Group comported themselves and eloquently addressed individual issues was impressive and commendable. It is a good thing that the working group is fighting for and as a resident of the area, I live at \_\_\_\_\_, please know that you have the support of many.

The reason for my email this morning is indirectly related to Monday evening's meeting. At that meeting I signed my name to a petition concerning the Gibraltar property. After discussing this with several people, I feel as though the instructions on intention of the petition were misrepresentative of the group's purpose.

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Flugh Hanning		Preserve History
Athena Velkos		Forty Acres Assoc
Maureen Engelbert		
Carl Engelbert		
<del>_____</del>		
Kelly Furman		
JEFFREY FURMAN		
Joseph Prndergast		
Linda Fox		
David Bowman		
George Barber		
Tom Patsy		
Jennifer Cury		

**Stabler, Wendie C.**

---

**From:**

**Sent:** Wednesday, August 09, 2006 2:06 PM

**To:**

**Subject:** (no subject)

Joe:

It has come to my attention that my name was on a petition regarding the Gibraltar project. I wanted to let you know that I never signed any petition.

If you have any questions, please feel free to call me on my cell

Best regards,

Jimmy Horty

8/9/2006

**Marty MEISSNER**

---

**From:**  
**To:**  
**Sent:** Wednesday, August 09, 2006 5:34 PM  
**Subject:** (no subject)

Hi Wendie:

I am on the phone John Kurtz who got my cell phone number from the email that I sent to Mr. DiPinto. He is telling that the signature that he has on the Gibraltar petition is my Dad's and not mine. The address is the address on the petition and it is my parents home.

I just wanted to let you know this before the meeting tonight.

Best regards,

Jimmy

**Open Space**  
**Objections to Requested Changes to**  
**Gibraltar Conservation Easement**

Preservation Delaware, Inc. (PDI) has asked that the Gibraltar Conservation Easement be restated to:

1. Designate sections of the estate as "Primary" and "Secondary" conservation areas. The stated purpose of the original easement is "...to assure that the Property will be retained forever in its scenic and open condition...". The community always understood that the purpose of the State's involvement at Gibraltar was:
  - a) To protect the estate from development and;
  - b) To save the property as open space in perpetuity.

Evidence of this may be found in the highlighted areas of the following Wilmington News Journal articles (see "Wilmington News Journal" tab):

- August 7, 1994 "Gibraltar May Tumble"
- August 14, 1995 "Wilmington's Secret Garden"
- September 23, 1996, "Open Space Council Should Add City to Its Preservation Record"
- March 13, 1997 "Estate Saved From Developers"
- April 25, 1999 "It'll Be Glory Days Again at Mansion and Gardens"

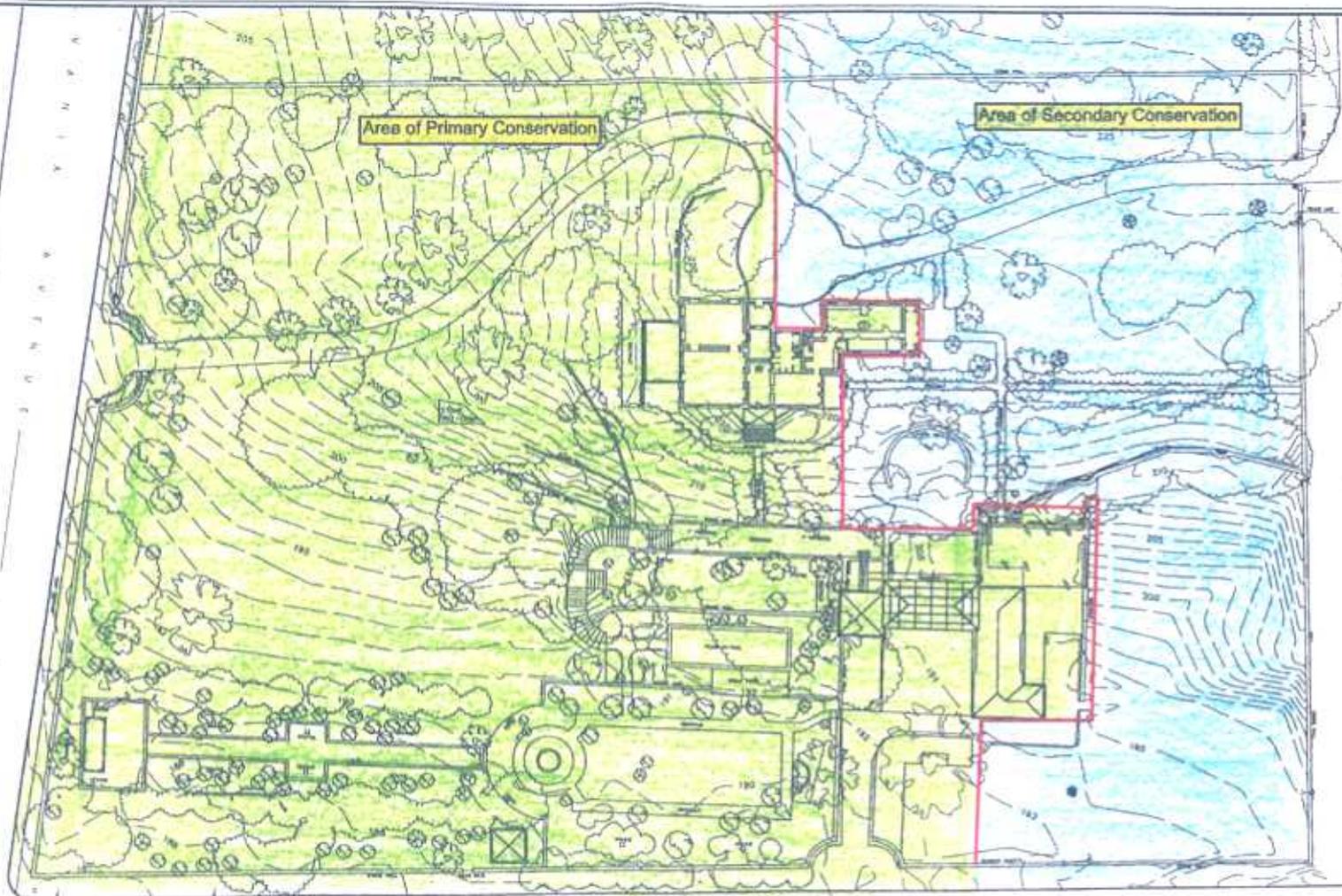
In an August 26, 2006 editorial column in the Wilmington News Journal, PDI Board President Roberta Mann stated that "Significant open space will be retained, as required by the easement held by the State." The Easement protects ALL of the site as open space with the exception of a minimal 6,500 sf of new construction allowed.

In the site plan indicating the proposed primary and secondary conservation areas obtained from DHCA's website, one can see that PDI seeks to redefine the easement to allow development on approximately 1/3 of the estate. This secondary area adjoins the neighborhood, not the more commercial end of the property bordering Pennsylvania Avenue. This is not a minor modification, but a complete redefinition of how the property is protected from development. This is an unreasonable request in the eyes of neighbors and should be denied as it does not comply with the easement's original intent.

2. Preservation Delaware seeks to significantly increase the amount of new construction allowed on the site (ie: development). The original easement allowed 4,000 square feet (sf) of new construction on the estate. In 2000, PDI asked for and received an increase to 6,500 sf. Now, after a decade of ownership and puzzling stewardship of the buildings, PDI claims that new construction of 7,500 sf for the mansion plus a new structure with a FOOT PRINT of 10,000 sf is necessary to "save" the mansion. This amount of new construction is the very

sort of development that the citizens of Delaware paid to prevent at Gibraltar. An examination of several documents helps put the requested new building into perspective:

- Last Spring CCS Investors mailed neighbors a drawing of the proposed building situated on the estate from Greenhill Avenue (follows). In the drawing, the new building appears modest in size compared to the mansion which really is not the case.
- The site plan that CCS submitted to the Wilmington Zoning Board of Adjustment (follows) shows that the proposed new building footprint would actually occupy more of the estate's open space than the existing mansion.
- In an effort to understand the size of the proposed new building with other exiting structures, the CCS site plan was reduced to approximately the same size as the City's tax parcel. This showed that the new structure has a similar foot print size as the "School" portion of the Immanuel Church located diagonally across from Gibraltar at the corner of Pennsylvania and Greenhill Avenues. A phone call to the church confirmed that the "School" portion of their building is 29,500 sf over 3 stories. An aerial photo of the church (follows) demonstrates the sheer size of their building (circled in red), and their 103 car parking lot.



Area of Primary Conservation

Area of Secondary Conservation

BRINCKLE

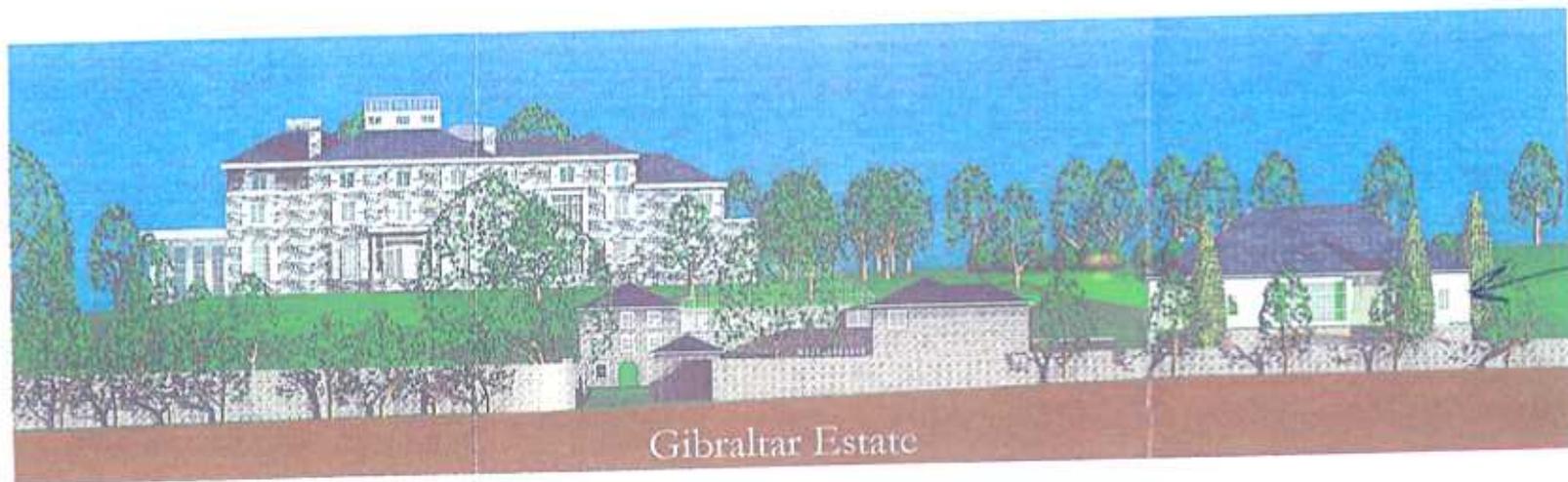
GREENHILL AVENUE

HOMSEY  
ARCHITECTS

GIBRALTAR  
SITE PLAN



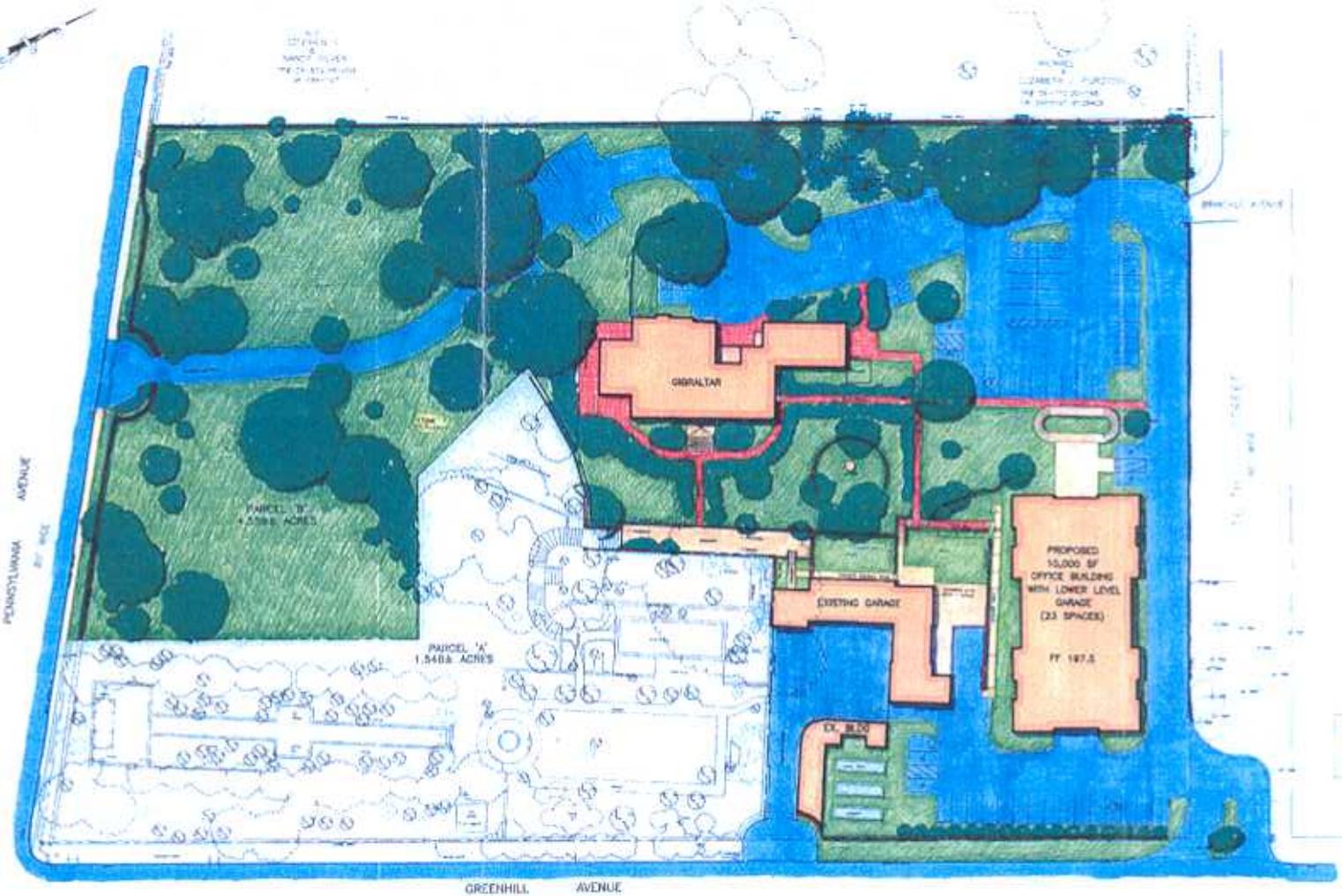
(Drawing provided by CCS Investors)



New building

Gibraltar Estate

*CCS Site Plan  
 (Submitted to Wilmington  
 Zoning Board of Adjust-  
 ment, Aug. 2004)*



STATE OF DELAWARE  
 COUNTY OF NEW CASTLE  
**GIBRALTAR ESTATE**  
 10,000 SF OFFICE BUILDING WITH LOWER LEVEL GARAGE  
 (23 SPACES)  
 FT. 187.5  
 1" = 20'-0"  
 1" = 100'-0"

Andrew C. Durham & Assoc., Ltd.  
 Landscape Architecture and Site Planning

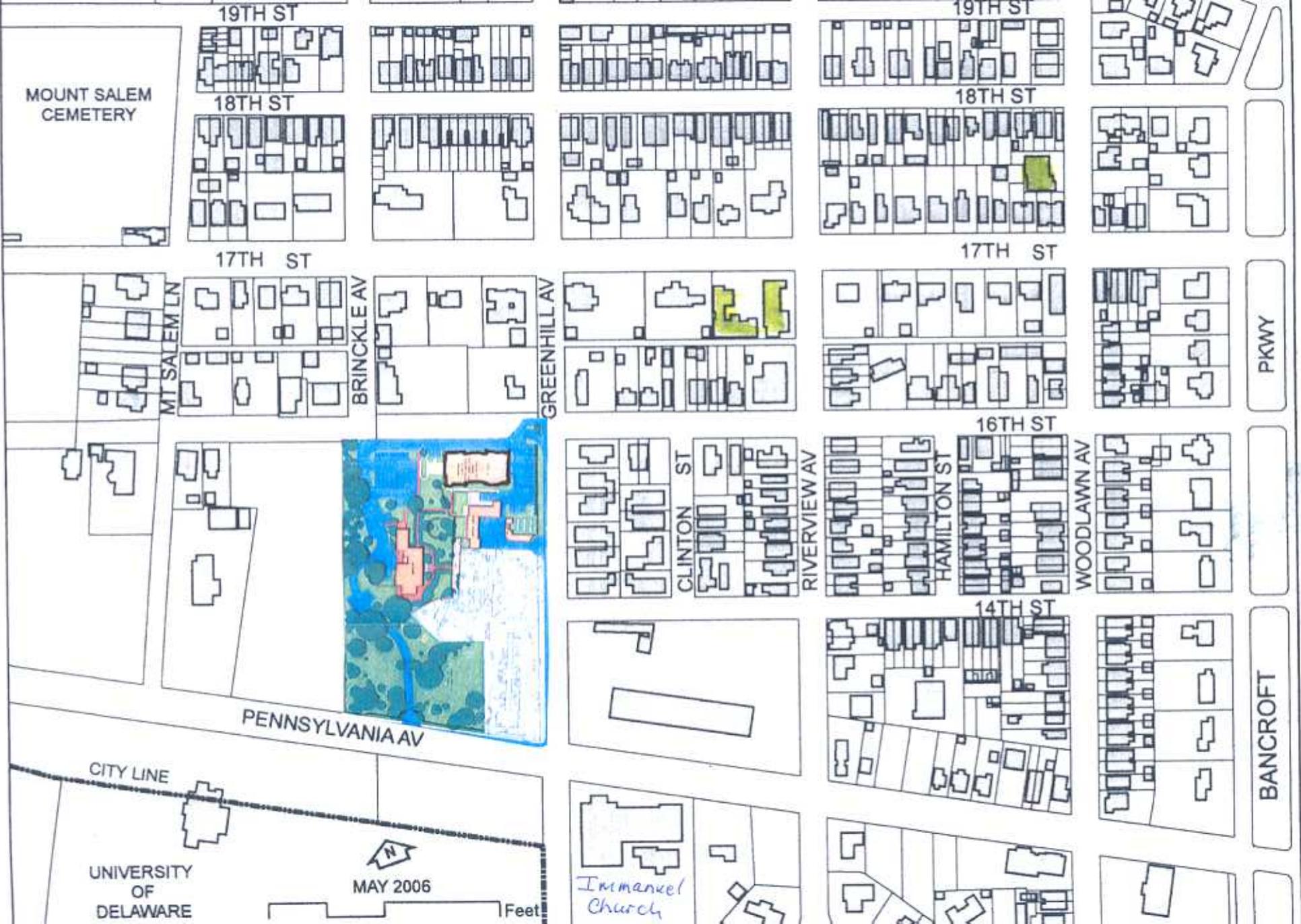


P.O. Box 444, Box Island, DE 19732  
 T. 302.651.0207 F. 302.655.0201  
 www.acdurham.com

**LANDMARK ENGINEERING**  
 CIVIL, ARCHITECTURAL, PLANNING AND DESIGN  
 100 W. GREENHILL AVENUE, SUITE 100, WILMINGTON, DE 19801  
 PHONE: 302.237.7777 FAX: 302.237.7778

DATE: 8/24/04  
 SHEET: 1 OF 1

CCS Site Plan with City Tax Parcel Map.



(103)

Greenhill & Pennsylvania Aves, Wilmington.



Church 12,000 sq ft

Church House (Building w/

Why Did PDI Fail to Deliver on the B&B Promise?

Preservation Delaware's selection of a plan that does not comply with Gibraltar's Conservation Easement is difficult to understand. The cover letter to their 2004 Request For Proposals (RFP) stated "PDI will consider a variety of uses which preserve the integrity and character of the mansion and *conform to the conservation easement on the mansion and property.*" (see RFP tab).

Many questions come to mind such as:

- Why did the group choose a project requiring what is essentially a complete restatement of the easement?
- Did the group assume that the State would simply "break" the easement because PDI is on a mission of preservation?
- Did PDI stop to consider that if a preservation advocacy organization does not uphold the permanence of conservation easements, neither will others?

Roberta Mann, PDI's board president, sent a letter to Gibraltar neighbors on July 25, 2006 in which she stated "The adaptive reuse of Gibraltar as class A office space is the last and best chance to save the mansion." Neighbors have no way of knowing if this is true and are now forced into the uncomfortable position of questioning the actions of what is essentially a group of volunteers.

Some wonder if PDI ever truly acquired the resources to handle a project of this size. The group started off with great intentions but was inexperienced in such matters (see WNJ 4/25/99). According to the group's 2005 tax return for fiscal year ending June 30, 2006, PDI has one paid employee and a large group of unpaid board members (see Tax Return tab). Have they ever had the consistent, knowledgeable manpower necessary for this massive undertaking?

Neighbors cannot understand why Preservation Delaware would select a plan in the first half of 2005 and wait until February of 2006 to seek community support. (See Stabler letter to Rep. DiPinto in Misc. tab and WNJ article from Feb. 25, 2006 announcing the project). Ms. Christine Waisanen, VP of Highlands Community Association reported at the group's May 18, 2005 that PDI was discussing with potential tenants the future use of the mansion and grounds (HCA minutes - Misc. tab). My recollection is that she said she could not elaborate due to a confidentiality agreement. If PDI was concerned about the continued deterioration of the building, did they consider neighborhood to the plan?

As for this project being the "last and best chance", how can neighbors know what other alternatives were considered? PDI said that 14 proposals were received with 9 being adequate (WNJ, Sept. 6, 2005), but the organization has refused neighbors' requests to see the other proposals citing confidentiality. Did any of the other 8 projects from the "adequate" group comply with the conservation easement? If so, did PDI ask those parties for more information before determining that the proposals did not meet Preservation Delaware's evaluation criteria?

Neighbors counted on PDI to convert the mansion to a Bed & Breakfast (B&B). Efforts to save the property clearly showed an intention for the mansion to become a B&B:

- WNJ August 14, 1995, "Wilmington's Secret Garden"
- WNJ April 2, 1996, "Mansion-buying plan inches ahead"
- WNJ May 13, 1996 "The Secret Gardener"
- WNJ Sept. 23, 1996 "Open Space Council should add city to its preservation record"
- WNJ April 25, 1999, "It'll be glory days again at mansion and gardens"
- WNJ December 14, 2002, "Mansion renovation revived"

The Wilmington City Council passed resolution 95-063 encouraging the State to fund preservation of the property to "reuse the mansion as a bed and breakfast facility" (see Misc. tab). Clearly, the community understood that a B&B was to be created on the estate. Many viewed this concept

Why the two B&B efforts failed is not completely clear. Roberta Mann, PDI's board president, sent a letter to Gibraltar neighbors on July 25, 2006 (see Misc. tab) in which she said the projects "failed due to unrealistic financial projections". In an editorial piece written by Ms. Mann which appeared in the Wilmington News Journal on August 26, 2006, she indicated that both efforts "failed due to the inability of the private partner to obtain financing". These two statements invite questions such as:

- Were the business plans unrealistic or were the companies unable to obtain financing due to the lease arrangement (versus holding deed to the property)?
- If the business plans were unrealistic, which qualified individuals reached that determination?
- When PDI decided to sell as part of the 2004 RFP, did they first go back to Lantry Associates (second B&B operator, see WNJ 12/14/02) and offer the property for ownership? Given Preservation Delaware's descriptions of the mansion's poor condition, might they not have found a viable solution more quickly by working with Lantry than if they began a new RFP?
- Was an independent audit of either B&B effort conducted to understand what went wrong? What might PDI have contributed to those failures?

The condition of the mansion over the last decade has been difficult for community members to understand. Preservation Delaware successfully restored the gardens and raised an endowment for their care, so neighbors had reason to hope that the group would find a solution for the house. Still, many neighbors could not understand why the house was not sealed up. At the March 1, 2006 meeting to reveal the CCS plan, one neighbor with a view of the site asked why PDI could not at least make sure that doors and windows were sealed from the elements until renovation began. This invites other relevant questions:

- Does the US Department the Interior specify proper mothball procedures for historic buildings?
- If so, did PDI follow those procedures?
- If not, why not?



Preservation Delaware, Inc.  
1405 Greenhill Ave.  
Wilmington, DE 19806  
302 651 9617  
director@preservationde.org

July 25, 2006

Dear Neighbors,

Preservation Delaware would like to provide you with the facts on the proposed redevelopment of the Gibraltar property. On this page, we have summarized the points. A more complete explanation follows.

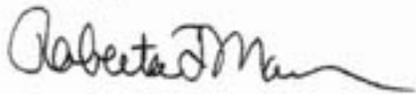
- The adaptive reuse of Gibraltar as Class A office space is the **last and best chance** to save the mansion.
- Preservation Delaware became involved with preservation of the Gibraltar property in 1995, largely in response to neighborhood concerns about the possibility that the property would be demolished to make way for townhouses. **PDI's advocacy efforts on behalf of the property began with the stipulation that an economically self-sustaining reuse of the buildings, "adaptive reuse," would take place once it was acquired.**
- **Two previous proposals to redevelop the property as a bed and breakfast and restaurant have failed due to unrealistic financial projections.**
- PDI received \$95,000 from the Community Redevelopment Fund in 1995. Those funds were used to rehabilitate Gibraltar's potting shed as PDI's offices and to recreate paths through the garden. PDI has received NO additional public funding for the mansion. PDI cannot afford to maintain or stabilize the mansion.
- PDI raised \$2.1 million to restore and endow the Coffin gardens. These funds are restricted to the garden and cannot be used for the mansion.
- Gibraltar is not a public property. From the beginning, the Open Space Council, legislators, and other funders involved made it very clear that no additional public money would be provided as the project went forward. Preservation Delaware alone pays the bills for all costs related to this site, including taxes.
- The Coffin Gardens are currently free and open to the public, and will remain open to the public following the redevelopment of Gibraltar.
- Gibraltar is subject to a conservation easement that protects the gardens and the mansion by restricting the limits of new construction on the site. The easement will continue to protect Gibraltar and the gardens during and following redevelopment.
- The CCS proposal to adaptively reuse Gibraltar as Class A office space was the only proposal received that met all four of PDI's criteria in the 2005 RFP:
  - Preservation and restoration of the mansion
  - Benefit to the **public**.

- Previous historic rehabilitation experience of the applicant
- Financial ability to carry out the project
- Construction of a new office building on the site is essential to fund the restoration and continued maintenance of the mansion and will also provide an annual operating subsidy for the gardens.

There is no doubt that the condition of the Gibraltar mansion is rapidly growing worse. The main contributor to this deterioration is water leaking through the 1910s slate roof, but there certainly are many additional immediate repair needs. Preservation Delaware paid for the temporary replacement of the roof over the solarium and two other flat roofs over the entrance and master bedroom of the mansion property (at a cost of \$30,000) after its collapse in Fall 2004. Rough estimates on replacing the entire slate roof are roughly \$350,000 - \$500,000, and estimates for restoring the mansion and associated grounds are in excess of \$5,000,000. These costs are far beyond the resources of PDI and its mission. However, through the construction of new office space as proposed by CCS, a redevelopment partner can generate the funds needed to rehabilitate the property. In fact, for maximum usage of the state and federal tax credits, more rehabilitation work makes the project more financially promising for developers.

Preservation Delaware, Inc. will continue to keep the neighborhood informed as this project moves forward. We need your support in order to save Gibraltar through adaptive reuse.

Sincerely,



Roberta Mann, President, PDI Board of Trustees



Trent Margrif, Executive Director  
Rebecca Sheppard, Chair, Gibraltar Redevelopment Committee  
Rod Maroney, Member, Gibraltar Redevelopment Committee  
Joan Hazelton, Member, Gibraltar Redevelopment Committee  
Julianne Hammond, Member, Gibraltar Redevelopment Committee



June 17, 2005

The Honorable Joseph G. DiPinto  
State House of Representatives

RE: Gibraltar

Dear Joe:

I enjoyed speaking with you the other day in my capacity as counsel to CCS Investors, LLC ("CCS") regarding the potential interest of the Italian delegation (the "Delegation") in the Gibraltar site to be used as a trade office. It is my understanding that the Delegation may be interested in the main existing building known as "Gibraltar."

As you know, my client is attempting to finalize negotiations with Preservation Delaware, Inc. ("PDI") for the acquisition of the property. Under the arrangement being pursued, PDI would lease and operate the public gardens, and the buildings and parking areas would be owned and leased to a third party or parties by CCS. In addition to the main Gibraltar building, the project involves renovation of the green house and garages and the construction of a new free-standing approximately 12,000 sf office building, to be built in character with the existing community and architecture (no renderings or elevations available yet, unfortunately). Most of the space is anticipated to be Class "A" office space, although a small restaurant or retail component is possible.

As to the existing "Gibraltar" structure, it is comprised of three full stories and a basement aggregating approx. 17,000 sf. Preliminarily, based upon current projections and market conditions, we believe the rent will be in the 30/psf range, triple net for the Gibraltar building. We are still refining the numbers, so this is not firm by any means.

Enclosed, at your request, are the floor plans (existing and schematic for office), site plan and elevations for the Gibraltar building. As you know, the historic easement calls for the main floor to be maintained and restored largely "as is," and this restriction limits its usage somewhat, however, it would be well suited for a user needing public space for meeting rooms, and also one which is willing to open the space up four (4) times a year to the public as required by the

June 16, 2005

Page 2

easement. (We believe this requirement could be accomplished in a number of ways consistent with the letter and spirit of the easement). We are enthusiastic that a use such as an Italian Trade Office would be ideal as much of this historic first floor space could be put to good use. The magnificent garden setting speaks for itself, of course.

Please give me a call upon receipt of the enclosed should you or your contacts with the Delegation have any questions. Let me know if the interest is such that we should propose a more detailed leasing arrangement.

Insieme, potremmo fare cose grandi! (Translation: Together, we could do great things!)

Very truly yours,

Wendie C. Stabler

Enclosures

cc: Mr. Drake Cattermole  
Mr. David Carpenter  
Mr. Dennis Snavely

---

**From:** David.Mench  
**Sent:** Wednesday, May 02, 2007 4:46 PM  
**To:** DOSHCA\_Gibraltar  
**Subject:** FW: Gibraltar Plan

> -----Original Message-----

> From: Mench, David  
> Sent: Wednesday, May 02, 2007 10:37 AM  
> To: 'doscha\_gibraltar@state.de.us'  
> Subject: Gibraltar Plan

>  
>  
>

> To whom it may concern:

>

> As a father of three small boys living one block from this proposed development, I am adamantly opposed to such a large development project on the Gibraltar site.

>

> A project of this scale will create not only rush hour traffic on West 16th street but traffic throughout the day as the proposed office building, depending on its use (doctors offices, law offices) would have cars coming and going all day long. This would increase the number of cars on West 16th street well in excess of current levels, thus increasing the danger to my children. While the city of Wilmington has been fortunate recently to not have a serious incident involving children being hit by cars, this type of development with out fore-thought to the consequences of the increased traffic would be myopic. In an ideal scenario the traffic is only at rush hour and everyone uses Greenhill to 52 as their exit. In reality the traffic will use all available access roads from the office building and a segment of them will speed from stop sign to stop sign as they do today. The concept would be similar to putting a large office building in the back of a subdivision, essentially creating through traffic on residential streets.

>

> Additionally, state funds (\$1MM) were provided to Preservation Delaware under the assumption that the property would be preserved. Preservation Delaware's inability to deliver on this promise should not create a windfall for a developer and a potential nuisance to the surrounding community.

>

> While a solution to the Gibraltar property needs to be developed, there is no rush to do anything. In the last 10 years the property (outside of the garden) has sat vacant, so to rush into an office complex development seems on its face irresponsible. I understand there has been other proposals that have fallen through but the reality is if the office complex is allowed to be developed the following will be the history of events.

>

> Mid-1990's Preservation Delaware takes control of the Gibraltar property

>

> Late 1990's the state of Delaware through its open space council and the State Historic Preservation Office provide \$1MM of state funds to protect the property from development

>

> 2007 - all parties involved allow the development of an office complex on the site

>

> I am not sure this is the history that we want written for those organizations.

>

>

>

>

>

> David Mench  
> First Vice President, Business Development Chase Card Services

>

City of Wilmington  
Delaware



May 2, 2007

Gibraltar  
C/o Division of Historical and Cultural Affairs  
21 The Green, Suite A  
Dover, DE 19901

To Whom It May Concern:

**Reference: Gibraltar Conservation Easement Amendment**

As Chief of Staff of the City of Wilmington I am writing to clarify the City administration's position with regard to the proposed Gibraltar Estate development.

As you are aware, the City's Zoning Board of Adjustment (ZBA) granted a variance for the Gibraltar project after weighing many hours of testimony (both pro and con) at its meeting on August 9, 2006. Since that time, an appeal of the ZBA's decision has been filed. The City is confident that the members of the ZBA rendered a fair, well-reasoned decision, and the City's Law Department is vigorously defending this appeal. In addition, the subdivision plan for the site, which received conditional approval by the City Planning Commission on September 19, 2006, reflected design elements that greatly limit traffic and visual impacts on the surrounding community.

The biggest challenge for the development of the Gibraltar Estate is the need to balance the communities' interest in historic preservation and open space with the economics necessary to sustain and support those worthy goals. The developer's plan appears to be a reasonable vehicle for balancing the important historic, open space, and financial viability concerns of the site.

We understand that the proposed amendment to the conservation easement is now being sought by the developer. While it is needed to alter certain sections of the agreement to accommodate their plans for new leasable office space, it also presents all parties with the opportunity to clarify and strengthen the agreement to avoid any future misunderstandings.

The City's interest has consistently remained the same. We hope to see the mansion and gardens at Gibraltar improved and maintained for the enjoyment of future generations and wish to see this accomplished with a minimal impact on the surrounding community. The Developer's proposal provides private funding to meet these public aims. It requires that they be granted some flexibility and relief from the original easement agreement but also provides the opportunity to protect the property on into perpetuity. In the absence of

Gibraltar  
May 2, 2007  
Page 2

any other tangible, viable alternatives it provides our best hope for preserving this significant historic and cultural gem.

Sincerely,

A handwritten signature in cursive script that reads "Bill Montgomery".

William S. Montgomery  
Chief of Staff

WSM/crm

cc: The Honorable James M. Baker  
Peter Besecker, Director of Planning

---

**From:** Nedda Moqtaderi  
**Sent:** Wednesday, May 02, 2007 10:06 PM  
**To:** DOSHCA\_Gibraltar  
**Subject:** Support for Gibraltar easement amendment

Dear Mr. Slavin,

I am writing to express my support for the amendment of the Gibraltar easement, which is imperative for the current adaptive reuse and development plans to move forward, thus ensuring the preservation of Gibraltar. The proposed project not only rehabilitates the mansion and accessory buildings, but also guarantees the preservation of more than 65% open space and supports the maintenance of the historic Marian Coffin garden so that they can continue to be a horticultural resource and a public amenity.

The initial preservation of Gibraltar was effected through the hard work of preservationists, community members, and neighbors who worked together to find a means for ensuring the future of this unique and significant property. Staff, board, and volunteers of Preservation Delaware, the Sharp family, and a wide variety of individual donors, foundations, public officials, and community members have invested countless hours and significant funding to restore the gardens and to make the Gibraltar project a success. We are now so close to seeing the property returned to its original splendor. To lose the opportunity now would be a terrible disappointment to those who have worked so hard to make Gibraltar a preservation success story. Moreover, it would mean that the future of the property would once again hang in the balance--the buildings will continue to suffer from the elements and vandalism and the gardens will also be at risk.

As all preservationists know, it is important to seek viable and economically sustainable solutions for preserving historic buildings. As was always the plan, Preservation Delaware has sought opportunities to adaptively reuse the site so that the historic resources would be preserved and put into active use while also providing a funding stream for the gardens. After many years of seeking a developer that could meet the unique needs of the property, Preservation Delaware has selected a group that is providing an excellent plan for preserving historic resources and open space while also creating an sustainable use for the property.

The current proposal allows for 65% open space and situates the new construction in a location that is out of the Pennsylvania Avenue view shed. Moreover, the proposed construction will occur on an area of the property that has been occupied by piles of fill dirt, weeds, and overgrowth for nearly ten years. The new building will be compatible with existing structures and will be no higher than adjoining buildings.

I have lived in the Highlands neighborhood for two years and lived in an immediately adjoining neighborhood for eight years before that. During that time, I have watched as several attempts at rehabbing and adaptively reusing Gibraltar failed to come to fruition. I believe that the current plan is the right path forward for Gibraltar, and may indeed represent the last chance for this property to be preserved before both the house and gardens are irreparably damaged.

I urge you to approve the amendment to the conservation easement so that Gibraltar may be preserved and returned to the landmark that it once was.

Sincerely,

Nedda Moqtaderi

---

**From:**  
**Sent:** Wednesday, May 02, 2007 9:21 PM  
**To:** DOSHCA\_Gibraltar  
**Cc:** Marty Meissner  
**Subject:** Gibraltar Conservation Easement

To Whom it may concern,

We have been residents of the highlands neighborhood for six years and have thoroughly enjoyed the experience. We have come to love the quiet residential atmosphere, with all the amenities of the city with in walking distance.

While we are not against improving the neighborhood, we do not feel the Gibraltar project would add anything to the area but increased traffic congestion. As parents of a four year old and an eight year old, I am concerned with the level of traffic now. With the proposed condos on the river and at the Columbus Inn, traffic will increase. There will be even more cars speeding through our streets and more people running our (apparently optional) stop signs.

It would also be a shame to lose the historical value of a property such as Gibraltar. We, as taxpayers, have paid to improve the property and to keep it from development. To change the conservation easement would be to tell the taxpayers that our money was wasted and our wishes ignored.

Please reconsider granting the change in the Conservation easement and consider the wishes of the residents of the Highlands.

Sincerely,

Melissa Kirkpatrick Richmond  
Dale Richmond

---

**From:** Rebecca Sheppard  
**Sent:** Wednesday, May 02, 2007 3:59 PM  
**To:** DOSHCA\_Gibraltar  
**Cc:** director@preservationde.org;  
**Subject:** Gibraltar easement amendment

As a former member of the Board of Trustees for Preservation Delaware, former chair of the Gibraltar Redevelopment Committee, and an active preservation professional in the state of Delaware for twenty years, I am writing to strongly support approval of the proposed amendment to the Gibraltar conservation easement.

The preservation of Gibraltar has been an ongoing struggle for the past decade, ever since the property was conveyed to Preservation Delaware. The goal of this project was always to find a way to make the property economically self-sustaining through some form of adaptive reuse. The bottom line is that the proposed amendment is necessary in order allow such an adaptive reuse process to occur AND TO BE SUCCESSFUL. Past experience with previous proposals for various uses has demonstrated that the amendment to allow more square footage of new construction and renovation is necessary in order to generate the financial revenues required to support and maintain the mansion and gardens into the future.

The proposed easement provides much-needed clarification of the areas within the property that warrant primary preservation concern and those where adaptive reuse is suitable, as well as clearly defining the areas of open space to be preserved. These guidelines will be of immense help to PDI as they work with potential developers to make decisions about the property in the future.

I urge you in the strongest terms to approve the amendment to the easement so that successful adaptive reuse of Gibraltar may begin, preserving the gardens and the much-deteriorated mansion for the public good.

thank you!

Rebecca J. Sheppard, Assistant Professor in Urban Affairs and Public Policy Associate Director, Center for Historic Architecture and Design University of Delaware