



City of Allentown
Staff Report

All comments in the report are advisory

To: Allentown City Planning Commission
From: Bureau of Planning & Zoning
Jesus Sadiua
Meeting Date: May 14, 2024

Proposal: Petition to Vacate a Portion of N. Elizabeth
Petitioner: Diane Schmidt
Case Number: V-24.02

Description

1. The petition comes from Diane Schmidt, a local resident whose property is one of those abutting the subject roadway to be vacated (i.e., Parcel E).
2. The petition covers a portion of N. Elizabeth Street in West Allentown, from Monroe Street, northward up to the now vacated Wayne Street (or in other words, the north property line of Parcel F in Fig-1).
3. The purpose is to acquire additional backyard real estate for the private use of properties immediately abutting the subject roadway.

Fig-1. Aerial of vicinity showing N. Elizabeth Street, abutting parcels, and adjoining roadways.



Findings /Comments

4. The subject street segment is unimproved and appears to have never been opened to public traffic. It is deemed a paper street. This unimproved segment of N. Elizabeth measures approximately 10 feet wide and about 250 feet long. The proposed vacation would free up approx .06 acres of land.
5. City GIS layer maps suggest no underground utilities in the subject roadway. However, there are overhead utility lines along and across the subject roadway.

6. There are 7 parcels abutting this segment of N. Elizabeth Street: these are: Parcels A to G (see **Fig-1** for parcel label reference).
 - a. Parcels A through G all host occupied single-family, detached units.
 - b. Parcels A and B – are accessed from N. 26th Street ... as suggested by the yellow arrows.
 - c. Parcels C and D – maintain vehicular access on Monroe Street where their respective driveways and garages are located.
 - d. Parcel E does not seem to have a driveway and garage. But it has a pedestrian walkway leading from Ott Street up to the residence’s primary entrance.
 - e. Parcel F is accessible from N. Ott Street.
 - f. Finally, Parcel G and H both maintain vehicular access on N. Elizabeth where their respective driveways and garages are located.

7. Only about a third of the subject roadway is improved with asphalt paving: approx. 120 feet from Gordon Street, southward (Fig-2).
 - a. Only Parcels G and H benefit from this asphalt paving.
 - b. **This paved portion is not included in the proposed street vacation.**
 - c. Planning Staff has no knowledge as to who maintains this paved portion of N. Elizabeth.
 - Perhaps staff from Public Works might provide information on this.



8. It will be gleaned later in Item 11a, that of the 7 abutting property owners only 3 of whom are co-petitioners to this proposed action.
9. Planning Staff was not able to conduct a site visit due to concerns that this might be encroaching into private property. Nevertheless, it may be gleaned from both city or Google aerial photographs that the subject street segment appears to be used by the abutting properties as an extension of their respective backyards (Fig-2). A closer look of this aerial shot appears in Figure 3 in Page 5.

10. In accordance with Section 545-36.D of the city’s Codified Ordinances (re: Street Vacations), Planning Staff reviewed the proposed vacation against criteria prescribed therefor:
 - a. **Whether the right-of-way vacation will adversely affect the street pattern or circulation of the immediate area or of the community.**
 - i. No, since the subject street segment is not a through street and not used as a roadway.
 - b. **Whether the public need will be adversely affected.**
 - i. No, since the subject street is not a through street and neither used as a roadway nor as a pedestrian route.
 - c. **Whether the public right-of-way may be needed for future public use.**
 - i. Planning Staff defers to Public Works as to the future use of this paper street.

d. Whether any abutting property owner will become landlocked or will have his access substantially impaired.

- i. No. (Refer to Fig-1)
 - Parcels A to F have their respective pedestrian and vehicular access points on the streets of N 26th, N. Ott and Monroe.
 - Parcel G’s primary access point is at the paved portion of N. Elizabeth which -- as mentioned in Item 7b – is not included in this petition to vacate. (The same holds true with Parcel H.)

11. Meanwhile, Staff Report from the city’s Bureau of Engineering, Public Works Dept informs of the following findings:

a. Comments from abutting properties were obtained with the following results:

Parcel Label	Address /Property Owner	Response
A	334 N 26 th St /John Gearhart	Has not responded.
B	328 N 26 th St /Megan Breamore, Nicolas Fulton	Co-petitioner
C	314 N 26 th St /Muhlenberg College	Has not responded.
D	313-319 N Ott St / Roberta & John Janson	No objection
E	321-325 N Ott St /Diane Mohr	Co-petitioner
F	329 331 N Ott St /Jonathan Andrews	Co-petitioner
G	2616-2626 Gordon St /Lawrence & Charlotte Dusold	Not polled.
H	2604 Gordon St /Charles & Laura Drum	Not abutting.

b. Utility agencies were also polled with the following results:

Utility Agency	Response
PPL	Requires easement.
UGI	Has not responded.
LCA	No objection
Verizon	Requires easement.

c. City units that have a conceivable interest in vacating the subject street were also polled with the following results:

City Staff /Department	Response
A P D	Has not responded.
A F D	No objection
Traffic Superintendent	No objection
Stormwater Engineer	No objection
Communications /EMS	Has not responded.

12. The Bureau of Engineering recommends that the subject portion of North Elizabeth Street be vacated provided the adjoining owners provide easements for the existing utility facilities.

13. Finally, while LVPC does not object to the proposed vacation, this agency would also prefer if all abutting owners expressed concurrence with the proposed action, if only to make the owners

aware of their responsibilities. Moreover, LVPC recommends that underground and overhead utilities remain accessible to the agencies that maintain them.

Summary

14. In addition to Planning Staff's evaluations outlined in Items 6 through 10 – essentially finding no adjoining property will be negatively affected by the proposed vacation – Staff agrees with the recommendations of Public Works and the LVPC to **vacate** the subject roadways as proposed **with easements** retained for existing utility agencies.
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Fig-3. Google Aerial, 2024

