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**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-0077**

LeRoy J. Rossow, Jr.,
Appellant,

vs.

The City of Lake Elmo, Minnesota,
Respondent.

**Filed November 27, 2017
Reversed and remanded
Schellhas, Judge
Dissenting, Kalitowski, Judge**

Washington County District Court
File No. 82-CV-15-6016

Joseph J. Dudley, Jr., Christopher W. Boline, Dudley and Smith, P.A., St. Paul, Minnesota
(for appellant)

Mary D. Tietjen, James J. Thomson, Kennedy & Graven Chartered, Minneapolis,
Minnesota (for respondent)

Considered and decided by Florey, Presiding Judge; Schellhas, Judge; and
Kalitowski, Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

SCHELLHAS, Judge

Appellant landowner challenges the district court's entry of summary judgment in favor of respondent city, arguing that the city acted arbitrarily, capriciously, or unreasonably when it denied his preliminary and final plat applications. We reverse and remand with instructions.

FACTS

Appellant LeRoy J. Rossow Jr. is the owner of a ten-acre parcel in the City of Lake Elmo (the city). The parcel contains a single-family home and an accessory building (pole barn). According to the city's zoning ordinance, the parcel is zoned as rural residential (RR), and under the city's comprehensive plan, the parcel is designated for rural area development (RAD).

In 2014, Rossow submitted a sketch plan to the city's planning commission detailing a proposal to develop a cemetery on the parcel. Rossow's sketch plan included "three main areas for in-ground burials, space for columbarium, and a parking area." Rossow planned to repurpose the single-family home and pole barn for cemetery administration and maintenance. In November 2014, the planning commission concluded that Rossow's proposal did not require rezoning of the parcel because cemeteries are a permitted use in the RR zoning district.¹ At the public meeting, Rossow explained that he intended to

¹ Despite RR zoning permitting cemetery use, Rossow was required by statute to submit a sketch plan and proceed with a formal platting process. *See* Minn. Stat. § 306.05 (2016) (requiring that cemetery land "be surveyed and divided into lots of a size determined by

convert the existing single-family home into a caretaker's residence. Rossow also said that the cemetery would cater to "modern burials," would be private and non-denominational, and would not provide funeral-home services. The planning commission noted that Rossow's sketch plan conformed to the city's comprehensive plan and that the city's zoning ordinance did not contain specific development standards for cemeteries. No community members spoke against the proposed development.

At a December 2014 city council meeting, when the council addressed Rossow's sketch plan, a councilmember suggested that the council review the zoning ordinances related to cemeteries in the future. No community members spoke against the proposed development. The council took no formal action.

In July 2015, the planning commission held another public meeting after Rossow submitted his preliminary and final plat applications.² In a premeeting report, city staff stated (1) "these facilities have been designed to comply with the rules of the City of Lake Elmo and the Valley Branch Watershed District," (2) "[b]ased on Staff's review of the preliminary and final plat, the applicant has demonstrated compliance with all applicable code requirements at the level of detail that is required for a plat," (3) "[t]he proposed subdivision is consistent with the Lake Elmo Comprehensive Plan [and] . . . cemetery use is not in conflict with this land use guidance," (4) the property is zoned RR and "cemeteries are a permitted use" under this zoning designation, (5) city staff and the city engineer "have

the trustees" and that "[a] map of the survey must be filed with the county recorder of the county where the cemetery is located").

² The city permitted Rossow to submit his preliminary and final plat applications together because of the small scale of the project.

not identified any existing conflicts with the City's Subdivision Ordinance," and (6) "Planning Staff has reviewed the overall amount of parking on the plan and found it to be more than adequate."

At the July 2015 meeting, seven community members expressed concerns about the cemetery proposal, including future funding for cemetery maintenance, possible increased traffic, and possible decreased property values.³ The planning commission noted that the surrounding roads were adequate to accommodate the cemetery, that the relationship between cemeteries and surrounding property values was inconclusive, and that Rossow had a plan in place to provide for cemetery maintenance. Rossow agreed not to establish a crematorium on the property and explained that state law required the creation of a permanent trust fund to maintain the cemetery. *See* Minn. Stat. § 306.76 (2016) (requiring cemetery association to establish permanent care and improvement fund when it maintains public cemetery in or adjacent to city of 50,000 or more people). The commission voted 6-0 for approval of Rossow's preliminary and final plat applications with proposed conditions that included a condition that any future expansion of the site, including plans to install a crematorium, must be reviewed and approved by the city. The commission forwarded the plat applications to the city council with a proposed resolution.

³ In addition to community members testifying against Rossow's proposed development, individuals created an online petition named "Oppose the proposed Lake Elmo cemetery" and Facebook users formed a group called "Stop the Lake Elmo Cemetery." On September 4, 2015, KSTP news reported on some residents' opposition to the cemetery. Some residents also submitted an opposition petition to the city.

On July 21, 2015, the city council considered the plat applications. The city planner explained that the preliminary and final plat applications did not include a proposal to operate the site as a “funeral home.” Community members renewed their concerns. The council tabled the vote, requested additional information from the city attorney regarding the definitions of “cemetery” and “funeral home,” and extended its 60-day deadline for addressing Rossow’s plat applications to 120 days under Minn. Stat. § 15.99, subd. 3(f) (2016).

City staff provided the city council with additional information and prepared two proposed resolutions for the city council’s consideration at a council meeting on October 6, 2015—one resolution for approval, like the July 21, 2015 proposed resolution, and one resolution for denial. At that meeting, ten community members spoke against Rossow’s applications and an attorney argued against approval on behalf of a group of individuals. A city councilmember stated that the cemetery “proposal is not what the zoning code allows for, as it is a large scale business and has overwhelming citizen opposition.” The Mayor stated that “a cemetery is a reasonable use and could be an asset but the funeral home component of this proposal doesn’t fit.” The city council denied Rossow’s plat applications 5-0.

Rossow sued the city in district court, challenging the denial of his preliminary and final plat applications. Rossow sought declaratory judgment pursuant to Minn. Stat. §§ 555.01–.16, 462.361 (2016), and alleged that the city council’s denial of his plat applications was arbitrary, capricious, and without sufficient factual or legal basis. Both

parties moved for summary judgment. The district court granted summary judgment to the city and dismissed Rossow's complaint with prejudice. This appeal follows.

D E C I S I O N

I. The city's denial of Rossow's preliminary and final plat applications on the basis of the city council's second finding was unreasonable, arbitrary, and capricious.

When appellate courts review action by a governmental body, the focus is on the proceeding before the decision-making body, not the findings of the district court. *Carl Bolander Sons Co. v. City of Minneapolis*, 502 N.W.2d 203, 207 (Minn. 1993). "The denial or approval of a preliminary plat application is a quasi-judicial administrative decision that we review to determine whether the decision is unreasonable, arbitrary, or capricious." *Hurrle v. Cty. of Sherburne by Bd. of Comm'rs*, 594 N.W.2d 246, 249 (Minn. App. 1999), *review denied* (Minn. Dec. 19, 2001).

"Reasonableness is measured by 'the legal sufficiency of and factual basis for the reasons given.'" *Swanson v. City of Bloomington*, 421 N.W.2d 307, 313 (Minn. 1988). "A decision lacks a rational basis if it is unsupported by substantial evidence in the record, premised on a legally insufficient reason, or based on subjective or unreasonably vague standards." *PTL, LLC v. Chisago Cty. Bd. of Comm'rs*, 656 N.W.2d 567, 571 (Minn. App. 2003). "While neighborhood feeling may not constitute the sole basis for a zoning decision, it may still be taken into account." *Swanson*, 421 N.W.2d at 313; *see also Nw. Coll. v. City of Arden Hills*, 281 N.W.2d 865, 869 (Minn. 1979). In evaluating the city council's reasons for its decision, appellate courts "look at the contemporaneous record made by the entity." *Hurrle*, 594 N.W.2d at 249. "Because local officials have broad discretion in deciding

whether to grant or deny a proposed land use, we give great deference to their land-use decisions and will reverse only in rare instances where the decision lacks a rational basis.” *PTL*, 656 N.W.2d at 571. But “[t]he absence of substantial evidentiary support and [a] board’s failure to justify its finding based on an ordinance indicate arbitrary action.” *Hurrle*, 594 N.W.2d at 251.

“[W]e apply the substantial-evidence test to determine whether the decision is supported by legally sufficient reasons and factually supported in the record.” *Watab Twp. Citizen All. v. Benton Cty. Bd. of Comm’rs*, 728 N.W.2d 82, 93–94 (Minn. App. 2007), *review denied* (Minn. May 15, 2007). “The decision must be supported by substantial evidence on the record, which addresses the requirements of the applicable ordinances.” *Id.* at 94. “[W]hen an ordinance specifies minimum standards to which subdivisions must conform, local officials lack discretionary authority to deny approval of a preliminary plat that meets those standards.” *PTL*, 656 N.W.2d at 571 (quotation omitted).

“To determine whether a governmental entity’s decision was unreasonable or arbitrary and capricious, we look to the controlling ordinance.” *Hurrle*, 594 N.W.2d at 250. “[T]he interpretation of an existing ordinance is a question of law for the court.” *Frank’s Nursery Sales, Inc. v. City of Roseville*, 295 N.W.2d 604, 608 (Minn. 1980). “[W]here the question is whether an ordinance is applicable to certain facts, the determination of those facts is for the governmental authority, but the manner of applying the ordinance to the facts is for the court.” *Id.*

In reviewing zoning decisions of local governing bodies, appellate courts make an “independent examination” of “the record and decision and arrive at [their] own

conclusions as to the propriety of that determination without according any special deference to the same review conducted by the [district] court.” *Nw. Coll.*, 281 N.W.2d at 868. “Along with a clearly articulated rationale for its decision, specific reference to the local ordinance is essential to facilitate effective judicial review.” *Earthburners, Inc. v. County of Carlton*, 513 N.W.2d 460, 463 (Minn. 1994).

“A zoning ordinance should be construed (1) according to the plain and ordinary meaning of its terms, (2) in favor of the property owner, and (3) in light of the ordinance’s underlying policy goals.” *Watab Twp. Citizen All.*, 728 N.W.2d at 94 (quotation omitted); *see also Mendota Golf, LLP v. City of Mendota Heights*, 708 N.W.2d 162, 172 (Minn. 2006) (“Generally, [appellate courts] narrowly construe any restrictions that a zoning ordinance imposes upon a property owner.”); *Chanhassen Estates Residents Ass’n v. City of Chanhassen*, 342 N.W.2d 335, 340 (Minn. 1984) (“[A] zoning ordinance is in derogation of the common law and should be construed strictly against the city and in favor of the property owner.”). If an entity’s zoning ordinances specify “standards to which a proposed plat must conform, it is arbitrary as a matter of law to deny approval of a plat which complies in all respects” with the ordinances. *Nat’l Capital Corp. v. Vill. of Inver Grove Heights*, 301 Minn. 335, 337, 222 N.W.2d 550, 552 (1974).

“[C]ourts generally strive to construe a term according to its plain and ordinary meaning.” *Frank’s Nursery Sales*, 295 N.W.2d at 608. To determine the plain and ordinary meaning of an undefined term, appellate courts turn to dictionary definitions. *State v. Thonesavanh*, ___ N.W.2d ___, ___ 2017 WL 3880768, at *3 (Minn. Sept. 6, 2017).

In the ordinance at issue in this case, cemetery is defined as “[l]and used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.” Lake Elmo, Minn., Code of Ordinances (LECO) § 154.012(B)(2)(a) (2012). Apart from the definition of cemetery, the zoning ordinance contains few regulatory standards for cemeteries. The city council made four findings to support its denial of Rossow’s preliminary and final plat applications. In its second and fourth findings, the city alleged nonconformities with the zoning ordinance.

In its second finding, the council stated:

That the [proposed cemetery] does not comply with the City’s RR – Rural Residential zoning district because it includes uses and activities that are not allowed under the definition of a “Cemetery” in Section 154.012 of the Zoning Ordinance. Specifically, the proposed site plan includes an administration building, a proposed expansion of this structure to add room for public gathering space, and parking lot that will accommodate 59 parking stalls. The definition of “Cemetery” offers no provisions for the conduct of services on the premises. The proposed buildings and parking areas exceed the activities allowed for “land used or intended to be used for the burial of the dead and dedicated for cemetery purposes.”

Rossow argues that this finding was arbitrary because his plat applications are in compliance with the applicable zoning ordinances. He asserts that the finding is based on zoning restrictions that are not clearly expressed in the zoning ordinance. He also asserts that the city council failed to apply the least-restrictive interpretation of its definition of cemetery and that, because cemeteries are a “permitted use” in the RR zoning district, the city council was required to approve his applications.

Rossow notes that the zoning ordinance does not contain additional development standards for cemeteries and argues that because the definition of cemetery does not prohibit buildings or structures, the denial of his applications was arbitrary, capricious, and unreasonable. Rossow argues that an administrative office and gathering space for the bereaved, which would be “operated in conjunction with and within the boundaries of” the cemetery, is permitted under the ordinance. He also argues that if permissible uses of cemetery land include crematories and mortuaries, the city council’s interpretation of the ordinance as not permitting administrative space is unreasonable.

As to the city council’s claim that the proposed parking lot is not a permitted cemetery use, Rossow notes that Table 5-2 in LECO § 154.210 (2013), states that the minimum off-street parking requirement for cemeteries is to be “determined by the Planning Director.” The record reflects that the planning commission reviewed Rossow’s proposed parking and found it to be adequate. And, as Rossow notes, the zoning ordinance does not prohibit parking spaces at cemeteries. Rossow therefore argues that the city council unreasonably relied on imprecise regulatory standards to deny his plat applications.

The city argues that Rossow’s proposal did not comply with the zoning ordinance’s “narrow” definition of cemetery that it claims “only allows for the use of land for burial and the keeping of remains of deceased persons.” The city also points to LECO § 154.401 (2013), and Table 9-1 within that section, which provide that any uses not indicated as permitted, conditional, or interim, “shall be considered prohibited.” The city asserts that the “unambiguous definition” of cemetery included in the zoning ordinance disallows use

of cemetery land “for wake services, memorial and funeral services, and accommodations for large gatherings of people.”

But the city conceded at oral argument that burial services would necessarily occur at a cemetery. And we note that the definition of “cemetery” includes the use for “dedicated . . . cemetery purposes.” LECO § 154.012(B)(2)(a) (2012). Adopting the city’s interpretation of the ordinance would require us to conclude that, despite the lack of guidance in the zoning ordinance, Rossow’s proposed cemetery-related activities, such as administration, memorial-type services, and parking, were required to be exhaustively listed in Table 9-1 of section 154.401. Our examination of Table 9-1 does not support such a conclusion. *See* LECO § 154.401, Table 9-1 (2013).

The city’s argument is further undercut by the fact that the city’s own zoning ordinance defines “cemetery” more narrowly as it relates to the PF (“Public and Quasi-Public Open Space”) zoning district, providing that a landowner may obtain a conditional-use permit to operate a cemetery so long as there is “[n]o mausoleum, crematorium, or other structure . . . except a 1-story tool or storage shed of 160 square feet . . . maximum floor area.” LECO § 154.600(B) (2007). If the city desired similar limitations on cemetery structures or permitted cemetery-related activities in the RR zoning district, it could have included those limitations in its ordinance, but it did not. *See PTL*, 656 N.W.2d at 572 (“Regulatory standards must be sufficiently precise to ensure the application of objective standards to all similarly situated property, to adequately inform landowners of the requirements they must satisfy to gain subdivision approval, and to allow a reviewing court to evaluate noncompliance.”).

The city also argues that because the definition of “funeral home” in LECO § 154.012(B)(3)(h) (2012), includes “undertaking services” and “managing funerals,” memorial services are permitted at a funeral home but not at a cemetery. But “undertaking services” implies something different than permitting graveside memorial services or services in an administrative building in the event of inclement weather, and nothing in the record indicates that Rossow planned to conduct undertaking services or to manage funerals.⁴ The record reflects only that if a person purchased a cemetery plot, an on-site service would be an option.

Interpreting the zoning ordinance in favor of Rossow, we conclude that the ordinance does not prohibit the uses and activities identified in the city council’s second finding. We therefore conclude that Rossow’s proposed development and use set forth in his applications are permissible under the zoning ordinance, and that the denial of Rossow’s applications based on the city council’s second finding was unreasonable, arbitrary, or capricious, and lacked legal and factual support. *See Hurrle*, 594 N.W.2d at 250–52 (concluding that record did not contain evidentiary support for board’s denial of plat application).

⁴ “Undertaking” means: “The profession or duties of a funeral director.” *American Heritage Dictionary of the English Language* 1890 (5th ed. 2011). “Funeral director” means: “One whose business is to arrange for the burial or cremation of the dead and assist at the funeral rites and who is usually an embalmer. Also called *mortician*, *undertaker*.” *Id.* at 711. Additionally, the city’s definition of “funeral home” makes the difference between “undertaking” and memorial services clear by stating that funeral homes are “[e]stablishments engaged in undertaking services *such as preparing the dead for burial*.” LECO § 154.012(B)(3)(h) (emphasis added).

II. Rossow’s preliminary and final plat applications comply with the city’s comprehensive plan.

Zoning ordinances “regulate[] the building development and uses of property.” *In re Denial of Eller Media Co.’s Applications*, 664 N.W.2d 1, 8 (Minn. 2003). But a “comprehensive guide plan . . . has an advisory role that is different from that of the official controls embodied in the zoning and subdivision ordinances.” *PTL*, 656 N.W.2d at 574. A comprehensive plan is merely a guide containing “objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and waters within the jurisdiction of the local governmental unit.” Minn. Stat. § 473.859, subd. 1 (2016); *see also PTL*, 656 N.W.2d at 574 (differentiating between advisory role of comprehensive land-use plan and zoning ordinances which “have the force of law”).

The city council’s first finding reads as follows:

That the [proposed cemetery] Final Plat is not consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area. The site under consideration is located within the City’s Rural Development Area land use classification, which allows for: *large areas of rural residential development within the City. Common uses found in these areas include working farms, alternative agricultural uses as defined by City Code, and rural single family detached residences. Development in these areas requires 10+ acres, or a conditional use permit to authorize a cluster development meeting the City’s Open Space Preservation regulations.* The establishment of a private cemetery and related gathering space, administrative activities, funeral services, and large parking area is not consistent with the City’s land use plan for this area.

“Compatibility with the public’s health, safety, and general welfare of the local government’s comprehensive land-use plan is an appropriate consideration in approving an application for a *conditional* use.” *PTL*, 656 N.W.2d at 573; *see* Minn. Stat. § 394.22, subd. 7 (2016) (defining conditional use).

[F]or a *permissible* use, the law recognizes that when a city designates a specific use as permissible in a particular zone or district, the city has exercised its discretion and determined that the permitted use is consistent with the public health, safety, and general welfare and consonant with the goals of its comprehensive plan.

PTL, 656 N.W.2d at 574 (quotation omitted).

Rossow argues that the city council’s first finding is arbitrary. He emphasizes the consistency of the zoning ordinance with the comprehensive plan: “The zoning districts in this chapter and the delineation of zoning district boundaries on the zoning map are consistent with the goals and policies of the Lake [Elmo] City Comprehensive Plan.” LECO § 154.352 (2012). Rossow argues that when the city designated cemetery use as a permissible use in the RR zoning district, it exercised its discretion and determined that a cemetery is consistent with the goals of its comprehensive plan. Rossow asserts that because his plat applications were for a permissible use and complied with the regulatory standards included in the zoning ordinance, his applications necessarily complied with the city’s comprehensive plan.

The city argues that the proposed cemetery conflicted with the city’s comprehensive plan because Rossow’s proposed cemetery did not comply with the zoning ordinance’s definition of cemetery. But the city concedes that a cemetery, as defined by the zoning

ordinance, is permissible in the proposed location and only argues that Rossow's proposal was not for a "cemetery" because it included memorial services and a parking lot.

Because Rossow's proposal to host memorial services and build a parking lot does not clearly conflict with the zoning ordinance's definition of cemetery, and because the city concedes that a cemetery in the proposed location is permissible and would not conflict with the city's comprehensive plan, we conclude that the city's denial on the basis of its first finding was unreasonable, arbitrary, and capricious, and lacked legal and factual support.

III. The city's zoning ordinance does not regulate the size of cemetery-related buildings in the RR zoning district.

The city council's third finding reads as follows:

That the combined size of over 6,000 square feet for the proposed administration building, expansion area, and maintenance garage is not proportional to the size of the proposed cemetery. The re-use and expansion of the existing single-family structure far exceeds what would otherwise be required to provide for the care and maintenance of the cemetery.

Rossow argues that this finding creates land restrictions not found in the zoning ordinance and therefore is arbitrary. We agree. The zoning ordinance contains no requirements that regulate the size of cemetery-related buildings in the RR zoning district or cemetery care and maintenance. The city council's denial therefore lacks a legal basis. *See PTL*, 656 N.W.2d at 572 (noting that two objectives of regulatory standards are "to ensure the application of objective standards to all similarly situated property," and "to adequately inform landowners of the requirements they must satisfy to gain subdivision

approval”). Without regulations to support the city council’s third finding, the finding lacks legal support and therefore the city’s denial of Rossow’s plat applications on the basis of the third finding was arbitrary, capricious, and unreasonable.

IV. The city’s zoning ordinance does not unambiguously prohibit the existence of two “principal uses” on one property in the RR zoning district, nor does it unambiguously define “accessory use.”

The city council’s fourth finding reads as follows:

The Zoning Ordinance does not allow for two principal uses to exist on property that is zoned [RR]. Specifically, the continued occupation of a single-family residence on the property is in conflict with the proposed platting of a cemetery on the same property. Because the site is 10 acres in size and is at the minimum requirement of the Zoning Ordinance for lot size in a RR zoning district, the applicant would not be able to separate the home from the cemetery use.

Rossow notes that the city council did not rely on a specific provision in the zoning ordinance to support this finding and argues that the lack of citation demonstrates arbitrary action and prevents this court from conducting an effective review of the denial. And he argues that because the record contains no evidence that the dual cemetery and single-family residential uses would be injurious to the health, safety, or welfare of the neighboring landowners or the community at large, both should be allowed.

The city argues that LECO § 154.401(A) (2013) prohibits two principal uses on a single parcel. The city acknowledges that, at the same time of Rossow’s proposal, both cemetery use and single-family residential use were “permitted uses” in Table 9-1 of

section 154.401 but claims that, because they were not “accessory uses,” they must be “principal uses,” and therefore cannot coexist.⁵

LECO § 154.401(A) provides: “*Combinations of uses.* Principal and accessory uses may be combined on a single parcel.” This language could be interpreted to prohibit the combination of multiple principal uses on a single parcel. But the language is not unambiguous and could simply mean that accessory uses are allowed when principal uses already exist. Further, even if this court assumes that this language clearly prohibits the combination of multiple principal uses on a single parcel, section 154.401 addresses “permitted” and “conditional” uses, not “principal” uses. At the time of Rossow’s application, Table 9-1 included multiple categories of uses, such as “residential uses,” “public and civic uses” (including cemeteries), and “accessory uses.” Table 9-1 did not include a category of “principal uses.” We note also that under “accessory uses,” Table 9-1 listed, without further definition, “other structures typically incidental and clearly subordinate to permitted uses,” and notes that such structures are permitted in the RR zoning district. LECO § 154.401, Table 9-1.

We conclude that these provisions are ambiguous for the purpose of determining whether a single-family residence is a “principal use” that cannot coexist with a cemetery or a structure incidental and clearly subordinate to cemetery use.

Rossow also argues that the zoning ordinance contains no restrictions that prohibit two permitted uses on the same property and that unless dual use would be injurious to the

⁵ The city amended Table 9-1 in 2016 and removed cemeteries as a permitted use on land zoned RR. Lake Elmo, Minn. Ordinance No. 08-136 (June 14, 2016).

health, safety, or welfare of the neighboring properties, both uses can exist. The record before the city council contained no evidence to support a finding that Rossow's proposed dual uses would be injurious to the health, safety, or welfare of the neighboring properties. *See N. R. Fairbanks Co. v. City of Blaine*, 308 Minn. 315, 317–18, 242 N.W.2d 99, 102 (1976) (“If both plaintiff’s retail [uses] are individually permissible . . . we conclude that the combination of these uses must also be found permissible, absent a showing by the city that the hybrid use is in some way injurious to the health, safety, or welfare of the neighboring landowners or the community at large.”).

The city council's fourth finding lacks legal and factual support. We therefore conclude that the city's denial of Rossow's plat applications on the basis of the fourth finding was unreasonable, arbitrary, and capricious.

Because none of the city council's findings provides a rational basis for denial, we reverse the district court's grant of summary judgment to the city and remand to the district court for an order directing the city to approve Rossow's preliminary and final plat applications.

Reversed and remanded.

KALITOWSKI, Judge (dissenting)

I respectfully dissent. I agree with the district court that the city provided legally sufficient rational bases for denying Rossow’s preliminary and final plat applications. And if there is a rational basis for the city’s decision, or if the wisdom of the city’s decision is “reasonably debatable,” a court should not interfere. *Honn v. City of Coon Rapids*, 313 N.W.2d 409, 417 (Minn. 1981). “[E]xcept in those rare cases in which the city’s decision has no rational basis, ‘it is the duty of the judiciary to exercise restraint and accord appropriate deference to civil authorities in the performance of their duties.’” *Swanson v. City of Bloomington*, 421 N.W.2d 307, 311 (Minn. 1988).

The city found that Rossow’s proposal, which included an expansion of an existing single-family home to a more than 6000 square foot commercial public gathering space with 59 parking stalls, encompasses uses and activities that are not allowed under the definition of “cemetery” in the city’s applicable zoning ordinance. The city had a rational basis for interpreting the ordinance in this manner and for rejecting this commercial proposal because, at the time of Rossow’s application, Table 9-1 of Lake Elmo, Minn., Code of Ordinances § 154.401 (2013) categorized cemetery use as a “Public and Civic Use,” and because funeral home use is not a permitted use in the *rural* residential (RR) zoning district. In addition, the city found that appellant’s proposal for continued occupation of the single-family home would result in two principal uses on the property, which the city reasonably interpreted as prohibited by the zoning ordinance. Here, the district court properly affirmed the city’s denial of Rossow’s plat applications after

determining that denial on these bases “is not unreasonable, arbitrary, or capricious.”

A municipal body’s denial of a land-use request need only be based on one reason that satisfies the rational-basis test. *St. Croix Dev., Inc. v. City of Apple Valley*, 446 N.W.2d 392, 398 (Minn. App. 1989), *review denied* (Minn. Dec. 1, 1989). Therefore, I would affirm the district court’s grant of summary judgment to the city.